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**Items 20 (d), (e) and (f) of the provisional agenda\***

**Sustainable development: Protection of global climate for present and future generations of humankind**

## Implementation of the United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa

### Convention on Biological Diversity

### Implementation of United Nations environmental conventions

### Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly the reports submitted by the secretariats of the United Nations Framework Convention on Climate Change, the United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa, and the Convention on Biological Diversity.

• A/65/150.

# **I. Report of the Executive Secretary of the United Nations Framework Convention on Climate Change on the United Nations Climate Change Conference, Copenhagen, 2009, and its follow-up**

## **A. Introduction**

1. The General Assembly, in its resolution 64/73, invited the secretariat of the United Nations Framework Convention on Climate Change<sup>1</sup> to report to it at its sixty-fifth session on the work of the Conference of the Parties. The present report is submitted in response to that invitation.

## **B. Outcomes of the fifteenth session of the Conference of the Parties and the fifth session of the Conference of the Parties serving as the Meeting of the Parties to the Kyoto Protocol**

### **1. Summary**

2. The United Nations Climate Change Conference was held in Copenhagen from 7 to 19 December 2009. The conference comprised the following sessions:

- (a) Fifteenth session of the Conference of the Parties;
- (b) Fifth session of the Conference of the Parties serving as the Meeting of the Parties to the Kyoto Protocol;
- (c) Thirty-first session of the Subsidiary Body for Implementation;
- (d) Thirty-first session of the Subsidiary Body for Scientific and Technological Advice;
- (e) Tenth session of the Ad Hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol;
- (f) Eighth session of the Ad Hoc Working Group on Long-term Cooperative Action under the Convention.

3. The Copenhagen Conference had an unprecedented level of participation, including attendance by over 100 Heads of State and Government, approximately 10,500 government delegates, 13,500 observers and 3,000 media representatives. Intensive negotiations took place in the course of the conference, with over 1,000 official, informal and group meetings among parties. Observers discussed climate change in more than 400 meetings and the media attended over 300 press conferences.

4. The Conference of the Parties adopted 10 formal decisions and the fifth session of the Conference of the Parties serving as the Meeting of the Parties to the Kyoto Protocol adopted eight decisions. The decisions adopted allow for the continuation of negotiations towards:

- (a) Enabling the full, effective and sustained implementation of the Convention through long-term cooperative action, now, up to 2012 and beyond;

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<sup>1</sup> United Nations, *Treaty Series*, vol. 1771, No. 30822.

(b) Considering further commitments for parties included in annex I for the period beyond 2012, in accordance with article 3, paragraph 9, of the Kyoto Protocol;

(c) Providing for further support in the implementation of the Convention and its Kyoto Protocol.

5. At the Conference, the Copenhagen Accord was developed by a group of Heads of State and Government, and other heads of delegation and the Conference of the Parties took note of it. The Copenhagen Accord emphasized the political will to urgently combat climate change in accordance with the principle of common but differentiated responsibilities and respective capabilities. As at 29 July 2010, a total of 137 parties had expressed their intention to be associated with or agree to the Accord.

6. Significant progress was made in Copenhagen in the negotiations under the Bali Road Map, through the Ad Hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol and the Ad Hoc Working Group on Long-term Cooperative Action under the Convention. However, governments did not reach a level of agreement that would have allowed the Working Groups to conclude their work pursuant to decisions 1/CMP.1 and 1/CP.13. Through decisions 1/CP.15 and 1/CMP.5, the mandates of the two Working Groups were extended for another year. They have been tasked with presenting the outcome and results of their work at the sixteenth session of the Conference of the Parties and the sixth Conference of the Parties serving as the Meeting of the Parties to the Kyoto Protocol, in Cancún, Mexico.

7. Based on the progress made in Copenhagen, and in subsequent work under the two Working Groups, the Cancún Conference can take decisive steps towards putting in place a comprehensive operational architecture of implementation in the areas of adaptation, mitigation, finance, technology and capacity-building, and launch mitigation action in specific sectors, such as forests.

## **2. Progress in negotiations**

### *Progress under the Ad Hoc Working Group on Long-term Cooperative Action under the Convention*

8. In Copenhagen, discussions took place on a series of draft decisions on the areas identified in the Bali Action Plan (decision 1/CP.13), which were presented by the Ad Hoc Working Group on Long-term Cooperative Action under the Convention to the Conference of the Parties for consideration.

9. Good progress was made in Copenhagen under the Working Group, with negotiations reaching different degrees of maturity on a number of key issues, including the following:

(a) A comprehensive adaptation framework, and its objectives, principles and categories of action;

(b) A technology mechanism with a technology executive committee and a technology centre to undertake technology-related activities for mitigation and adaptation, as well as the implementation of those activities;

(c) Scope and objectives relating to reducing emissions from deforestation and forest degradation in developing countries and the role of conservation, sustainable management of forests and enhancement of forest carbon stocks in developing countries<sup>2</sup> as well as to reference levels and safeguards.

10. Some progress was made on:

- (a) Enhancing capacity-building and the institutional arrangements for doing so;
- (b) Finance and the necessary institutional arrangements.

11. The Working Group held its ninth session from 9 to 11 April 2010. It agreed on the organization and methods of work for 2010 and invited its Chair to prepare a text to facilitate negotiations among parties, drawing on the report of the Working Group presented to the Conference of the Parties at its fifteenth session, as well as work undertaken by the Conference on the basis of that report.

12. At the tenth session of the Working Group, held from 1 to 11 June 2010, its Chair submitted a text that formed the basis for focused negotiations among parties and further elaboration of important elements, in particular on a new climate fund and on measurement, reporting and verification. The Chair has submitted the second version of the text, taking into account the progress made at the tenth session, for consideration by the Working Group at its eleventh session.

*Progress under the Ad Hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol*

13. The main task of the Ad Hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol, pursuant to the work programme adopted at its second session, held in Nairobi, is the consideration of new commitments to be inscribed through an amendment to annex B to the Kyoto Protocol. It is also considering other issues, including: land use, land-use change and forestry; emissions-trading and the project-based mechanisms; methodological issues; and information on the potential environmental, economic and social consequences of measures taken.

14. The Working Group made progress in the preparation of a draft decision on amendments to the Kyoto Protocol pursuant to its article 3, paragraph 9, and agreed that the draft text would benefit from additional work on the unresolved issues. Amendments to the Kyoto Protocol that were discussed included those in relation to a number of articles of the Protocol and its annex A, listing greenhouse gases, and its annex B, listing quantified emission limitation or reduction commitments of annex I parties.

15. The Working Group held its eleventh session from 9 to 11 April 2010. It agreed to continue with its work programme and requested its Chair to prepare documentation to facilitate negotiations on the basis of the annex to the report on its tenth session, taking into consideration the work undertaken and decisions adopted by the Conference of the Parties serving as the Meeting of the Parties to the Kyoto Protocol at its fifth session.

16. At its twelfth session, held from 1 to 11 June 2010, the Working Group recalled the iterative nature of its work programme and discussed the focus of its

<sup>2</sup> Known as REDD-plus; see Bali Action Plan, para. 1 (b) (iii).

work for 2010. The Working Group requested the secretariat to organize at its thirteenth session an in-session workshop on the scale of emission reductions to be achieved by annex I parties in aggregate and the contributions of annex I parties, individually or jointly, to the reductions. The Working Group also requested the secretariat to prepare a paper on the legal options available, aimed at ensuring that there is no gap between the first and subsequent commitment periods of the Kyoto Protocol and on the legal consequences and implications of such a gap.

#### *Copenhagen Accord*

17. The Copenhagen Accord recognized the need to reduce global greenhouse gas emissions so as to hold the increase in global temperature below 2 degrees Celsius and to take action to meet this objective consistent with science and on the basis of equity. It also recognized the critical impacts of climate change and the potential impacts of response measures on countries that are particularly vulnerable to its adverse effects and stressed that enhanced action and international cooperation on adaptation are urgently required to ensure the implementation of the Convention by enabling and supporting the implementation of adaptation actions.

18. Since the Copenhagen Conference, all industrialized countries have provided information on their quantified economy-wide emission targets for 2020, and 39 developing countries have provided information on nationally appropriate mitigation actions to limit their greenhouse gas emissions. Together, all of these countries represent over 80 per cent of global energy emissions.

19. In the Copenhagen Accord, developed countries agreed to a collective commitment to provide new and additional resources for mitigation, adaptation and fast-start finance, approaching \$30 billion for 2010-2012, and in the context of meaningful mitigation actions and transparency on implementation, developed countries committed to a goal of mobilizing jointly \$100 billion a year by 2020 to address the needs of developing countries.

### **3. Progress on implementation**

20. Progress has been made not only in the negotiations on further commitments for annex I parties under the Kyoto Protocol and on long-term cooperative action under the Convention, but also on the implementation of the Convention and the Kyoto Protocol. Based on the greenhouse gas inventories from annex I parties received by the secretariat by 15 September 2009, total aggregate greenhouse gas emissions, excluding emissions/removals from land use, land-use change and forestry, for all annex I parties decreased by 3.9 per cent; greenhouse gas emissions/removals including land use, land-use change and forestry decreased by 5.2 per cent between 1990 and 2007.<sup>3</sup> A large share of these emission reductions were from annex I parties with economies in transition, and many countries are on track to meet their targets under the Kyoto Protocol.

21. Parties have continued to develop and implement climate-change strategies, action plans and/or programmes consisting of broad portfolios of policies and measures to mitigate greenhouse gas emissions and for adaptation to climate change. Non-annex I parties continue to prepare and submit their national

<sup>3</sup> 1990-2007 is the latest period for which data on greenhouse gas emissions and removals are available from annex I parties.

communications containing information on national greenhouse gas inventories, measures envisaged or taken to adapt to impacts of climate change, measures to mitigate climate change, constraints and gaps and related financial and technical and capacity needs.

22. National communications from non-annex I parties contain information on national greenhouse gas inventories, measures envisaged or taken to adapt to impacts of climate change, measures to mitigate climate change, constraints and gaps and related financial and technical and capacity needs, among others. As at July 2010, of the 153 non-annex I parties, 137 had submitted their initial national communications, 25 their second national communications, 1 its third national communication and 1 its fourth.

*Work under the Conference of the Parties*

23. The fifteenth session of the Conference of the Parties emphasized the importance of providing relevant technical advice and support for the process of preparation of national communications, and decided to reconstitute the Consultative Group of Experts on national communications from non-annex I parties for a period of three years (2010-2012). The Consultative Group of Experts will provide, inter alia, technical support, especially in the areas of national greenhouse gas inventories, vulnerability and adaptation assessment, mitigation assessment, research and systematic observation, education, training and political awareness, technology transfer and capacity-building.

24. The Conference of the Parties adopted a decision to develop and implement an updated training programme for greenhouse gas inventory review experts for the technical review of inventories from annex I parties.<sup>4</sup> The training programme consists of three courses and a refresher seminar. The courses are a basic course, a review of complex models and higher-tier methods, and a course on improving communication and facilitating consensus in expert review teams.

25. Work progressed at the thirty-first session of the Subsidiary Body for Scientific and Technical Advice on approaches to stimulate action on reducing emissions from deforestation in developing countries. This resulted in a decision of the Conference of the Parties that has allowed further progress on enhancing coordination of capacity-building activities aimed at the application of the most recent guidance and guidelines of the Intergovernmental Panel on Climate Change to estimate anthropogenic forest-related greenhouse gas emissions and removals, forest carbon stocks and forest-area changes.<sup>5</sup> This work under the Subsidiary Body is closely linked to the ongoing discussions under the Ad Hoc Working Group on Long-term Cooperative Action under the Convention on reducing emissions from deforestation and forest degradation in developing countries and the role of conservation, sustainable management of forests and enhancement of forest carbon stocks in developing countries.

26. The fifteenth session of the Conference of the Parties recognized the significant progress made during the period from 2004 to 2008 in improving the observing systems for climate and urged parties to work towards addressing

<sup>4</sup> Decision 10/CP.15.

<sup>5</sup> Decision 4/CP.15.

priorities and gaps identified in the progress report on the implementation plan of the Global Climate Observing System.

27. Parties considered the fourth review of the financial mechanism, and the Conference of the Parties requested the Subsidiary Body for Implementation to continue its consideration of the review with a view to recommending a draft decision for adoption at the sixteenth session of the Conference of the Parties. The fourth review of the financial mechanism includes consideration of the findings of the fourth overall performance study, as well as invitations to the Global Environment Facility (GEF) to enhance its support and improve its modalities, and guidance for GEF in doing so. Additionally, the Conference of the Parties requested the Subsidiary Body for Implementation to continue its consideration of additional guidance for GEF.

28. In respect of the various funds under the Convention, GEF has mobilized voluntary contributions of \$224 million for the Least Developed Countries Fund and as of June 2010 had received \$169 million of that sum. GEF has mobilized voluntary contributions of \$147 million for the Special Climate Change Fund, of which \$110 million had been received as of February 2010.

29. The Subsidiary Body for Scientific and Technical Advice and the Subsidiary Body for Implementation, at their thirty-first sessions, endorsed the rolling programme of work of the Expert Group on Technology Transfer for 2010-2011. The programme of work includes activities in relation to technology needs assessments, innovative options for financing the development and transfer of technologies, collaborative research and development, and enhancing cooperation with relevant international organizations. Furthermore, the Expert Group is engaged in a dialogue with representatives of the business community, which will help to increase the participation of the private sector in the Framework Convention process. There has also been progress in the development and transfer of technologies in the context of the negotiations under the Ad Hoc Working Group on Long-term Cooperative Action under the Convention, and the establishment of a technology mechanism under the Convention has been considered.

30. The Conference of the Parties requested the Subsidiary Body for Implementation to continue its consideration of the second comprehensive review of the implementation of the framework for capacity-building in developing countries. The Subsidiary Body will continue that work and prepare a draft decision with a view to its adoption by the Conference of the Parties at its sixteenth session. Capacity-building is part of the issues under discussion in the Ad Hoc Working Group on Long-term Cooperative Action under the Convention and is included in the text prepared by its Chair to facilitate negotiations among parties, taking into consideration that it is a cross-cutting issue. Similarly, at its fifth session, the Conference of the Parties serving as the Meeting of the Parties to the Kyoto Protocol requested the Subsidiary Body to continue its consideration of the second comprehensive review of the implementation of the framework for capacity-building, with a view to preparing a draft decision for adoption at the sixth session.

*Work under the fifth session of the Conference of the Parties serving as the Meeting of the Parties to the Kyoto Protocol*

31. The clean development mechanism has played a crucial role in supporting the contribution of annex I parties that are also parties to the Kyoto Protocol towards mitigation efforts and has also contributed to the achievement of the sustainable development goals of developing countries that host clean development mechanism projects. At the fifth session of the Conference of the Parties serving as the Meeting of the Parties to the Kyoto Protocol, ways and means to enhance both the efficiency of the clean development mechanism and the regional distribution of its projects were discussed. In this respect, the Conference agreed on providing further guidance to the clean development mechanism, covering various topics: governance, accreditation, baseline and monitoring methodologies and additionality, registration of project activities and issuance of certified emission reductions, regional and subregional distribution and capacity-building, and resources for work on the clean development mechanism.

32. Guidance on the implementation of article 6 of the Kyoto Protocol, on joint implementation, was provided. This included the adoption of revised rules of procedure of the Joint Implementation Supervisory Committee; guidance on governance, including the enhancement of outreach activities and encouraging efforts towards a more transparent, consistent, predictable and efficient verification procedure; and guidance on resources for the work on this issue.

33. At its fifth session, the Conference adopted amendments to the rules of procedure of the Adaptation Fund Board, which included amendments regarding the terms of office of members, alternates, the Chair and the Vice-Chair. It also requested the Subsidiary Body for Implementation to initiate the review of the Adaptation Fund. The Subsidiary Body subsequently initiated the preparation of the terms of reference for the review of all matters related to the Adaptation Fund, including its institutional arrangements.

34. As of April 2010, available resources in the Adaptation Fund Trust Fund amounted to \$95.23 million.<sup>6</sup> At the tenth meeting of the Adaptation Fund Board, in June 2010, the Trustee updated this figure to \$145 million after receiving a contribution of €45 million from the Government of Spain. At the same meeting, the Adaptation Fund Board approved four project concepts with a total proposed value of \$21.8 million. Sales of certified emission reductions under the clean development mechanism have generated revenues of \$85.26 million since the start of the certified emission reduction monetization programme in May 2009. Estimates of potential resources for the Adaptation Fund from certified emission reduction sales up to the end of 2012 range from \$297 million to \$438 million.

35. At its fifth session, the Conference adopted a decision on the development and implementation of an updated training programme for members of expert review teams participating in annual reviews under article 8 of the Kyoto Protocol.<sup>7</sup> The training programme consists of five different courses, on national systems; application of adjustments; modalities for the accounting of assigned amounts under article 7, paragraph 4; review of national registries and information on assigned

<sup>6</sup> Financial status of the Adaptation Fund Trust Fund and the Administrative Trust Fund, prepared by the Trustee, AFB/EFC.1/5.

<sup>7</sup> Decision 8/CMP.5.

amount; and review of activities under article 3, paragraphs 3 and 4, of the Kyoto Protocol.

#### **4. High-level segment**

36. The joint high-level segment of the fifteenth session of the Conference of the Parties and the fifth session of the Conference of the Parties serving as the Meeting of the Parties to the Kyoto Protocol was opened by the President, the Prime Minister of Denmark. In his address at the high-level segment he noted that the presence of so many Heads of State and Government reflected an unprecedented political determination to combat climate change.

37. The Secretary-General delivered a statement on behalf of the United Nations system, in which he recognized the complexity and ambition of the talks in Copenhagen and called for an agreement that was fair, ambitious and comprehensive, asking parties to work together and reach a deal in order for everyone to get what they needed. He also reiterated that the Kyoto Protocol remained the only legally binding instrument that captured emission reduction commitments and that, as such, it must be maintained.

38. More than 100 Heads of State or Government attended the Conference. At the high-level segment, statements were made by 167 parties, of which 85 were given by Heads of State or Government, 13 by either vice-presidents or deputy prime ministers, 58 by ministers and 11 by party representatives. Such a level of participation is indicative of the importance and seriousness of addressing climate change and of its now being an issue at the highest political level.

#### **5. Conclusions and recommendations**

39. The General Assembly may wish to:

(a) **Take note of the report of the Executive Secretary of the United Nations Framework Convention on Climate Change, as transmitted by the Secretary-General;**

(b) **Note the outcomes of the fifteenth session of the Conference of the Parties and the fifth session of the Conference of the Parties serving as the Meeting of the Parties to the Kyoto Protocol, hosted by the Government of Denmark from 7 to 18 December 2009;**

(c) **Pledge its support to the continued negotiating processes under the Bali Road Map and encourage progress towards a comprehensive and balanced outcome in Cancún;**

(d) **Invite the Executive Secretary to continue to report to it on the work of the Conference.**

## **II. Report of the Secretary-General on the implementation of resolution 64/202 and the implementation of the United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa**

### **A. Introduction**

1. In its resolution 64/202, the General Assembly requested the Secretary-General to report to it at its sixty-fifth session on the implementation of that resolution, including a report on the implementation of the United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa. The present report constitutes an update on the principal activities that have been undertaken since the adoption of that resolution.

### **B. Implementation of resolution 64/202**

#### **1. Background**

2. The ninth session of the Conference of the Parties was held from 21 September to 2 October 2009 in Buenos Aires.

3. The ninth session of the Conference of the Parties culminated in 36 decisions and 1 resolution targeting three key outcomes. They aligned the work of the Convention's institutions with the 10-year strategy, put in place measures to support the efficient and effective implementation of the Strategy by all actors, including their related monitoring, and agreed on the resources to be provided to the Convention institutions to carry out the work planned for 2010 and 2011.

4. Five significant institutional reforms emerged from the ninth session. First, the Committee for the Review of the Implementation of the Convention was made a standing subsidiary body of the Conference of the Parties to assist it in regularly reviewing the implementation of the Convention and the strategy. Second, the Conference of the Parties recognized the importance of mechanisms to facilitate regional coordination and outlined concrete steps to support such mechanisms. Third, in the light of the report of the Joint Inspection Unit, it set in motion a process to evaluate institutional aspects of the Global Mechanism under the responsibility of the Bureau of the Conference of the Parties and to submit the evaluation's findings for consideration by the Conference at its tenth session. Fourth, the Conference decided to enhance the global standing of the Committee on Science and Technology. To this end, it authorized the continued reshaping of the operations of the Committee in line with the strategy by organizing scientific conferences on priority themes of the Committee, a review of its roster of independent experts addressing the role and place of science and technology correspondents, and consideration by the Conference of the Parties at its tenth session of the Committee's rules for electing its officers. Fifth, it defined the eligibility criteria for the sponsored participation of civil society organizations in official events and made provisions for synergy with other conventions, international organizations, institutions and agencies.

5. At the ninth session, a far-reaching agreement was achieved on the markers that will be used to assess and monitor the outcomes of the planned day-to-day activities and their impact over time, putting the Convention to Combat Desertification on the path to both quantitative and qualitative measurability of its outputs, outcomes and impact.

6. To this end, the Conference decided that all existing and new action programmes must be aligned with the strategy. It also agreed on the short-term plans for 2010-2013 and immediate programmes or activities for 2010-2011 for the Convention institutions, including the planned work and next meeting of the Committee on Science and Technology and work programme and next meeting of the Committee for the Review of the Implementation of the Convention.

7. The Conference also defined new terms for reporting progress. The performance review and assessment of implementation system will use a unified set of the provisional performance indicators for measuring progress made by affected countries, as well as their partners, to implement the strategy. In order to move towards standardizing the information and communications contained in the reports submitted about this progress, the Conference gave guidance on the elaboration of the reporting guidelines.

8. In this context, and to support the implementation of the strategy, particularly at the national level, the Conference urged developed country parties and GEF to, among other things, provide adequate, timely and predictable resources for the land degradation focal area in the fifth replenishment of GEF. Subsequently, the performance review will be complemented by an assessment of impact on the livelihoods of affected populations and conditions of drylands ecosystems. Thus, the Conference also agreed on two mandatory and nine optional indicators, to be used for reporting starting in 2012. In addition, a midterm review of the strategy for 2013 was agreed to.

9. On the policy front, the Conference agreed that thematic policy frameworks for advocacy are needed and should be developed, gave consent on how to popularize the Convention's work, including throughout the United Nations Decade for Deserts and the Fight against Desertification, and called for a follow-up of issues relevant to the Convention that came out of the 2008 and 2009 sessions of the Commission on Sustainable Development and of the 2002 World Summit on Sustainable Development.

10. With regard to the land degradation assessment in drylands, the Conference encouraged the Committee on Science and Technology to develop collaborative regional training on land degradation to improve the capacity to monitor and assess the implementation of the Strategy.

## **2. First Scientific Conference**

11. In its decision 13/COP.8, adopted at the eighth session, held in Madrid in September 2007, the Conference of Parties decided that the session of the Committee on Science and Technology should be held in an international scientific-style format.

12. By mid-June 2008, the Drylands Science for Development Consortium was selected by the Bureau of the Committee on Science and Technology, on the basis of its expertise on the thematic topic agreed at the eighth session of the Conference of

the Parties: "Biophysical and socio-economic monitoring and assessment of desertification and land degradation, to support decision-making in land and water management". The consideration of that topic at the first Scientific Conference under the Convention led the Drylands Science for Development Consortium to adopt 11 key recommendations. They essentially reflected the means and methodologies through which the Convention, together with other international stakeholders and partnerships, would address the scientific issues of desertification, land degradation and drought and promote sustainable land management practices at the global, national and local levels, including recommendations on how the Convention could become a global scientific authority on those issues.

13. Pursuant to decision 23/COP.9, the Conference of the Parties requested the Bureau of the Committee on Science and Technology to consult with parties and regional groups to review the outcomes of the first Scientific Conference. As a result, the Convention secretariat, under the guidance of the Committee on Science and Technology Bureau, conducted a survey of all national focal points in May 2010 with the aim of gathering their perceptions with regard to the 11 key recommendations of the first Scientific Conference. That process is still ongoing.

14. The ninth session of the Committee for the Review of Implementation of the Convention will be held at the United Nations Office at Geneva, following the second special session of the Committee on Science and Technology. The Committee on Science and Technology will meet from 16 to 18 February and the Committee for the Review of Implementation of the Convention from 21 to 25 February 2011.

### **3. Outcome of the Fourth Global Environment Facility Assembly relevant to the Convention**

15. The Fourth Assembly of the GEF was held from 24 to 28 May 2010 in Punta del Este, Uruguay.

16. Among the main achievements of relevance to the Convention to Combat Desertification was the decision to amend the GEF instrument in order to reflect its role as a financing mechanism in the implementation of the Convention, in accordance with past decisions of the governing bodies of GEF and the Convention. Of significance too was the decision of the GEF Assembly to allocate \$400 million to the land degradation focal area for the next GEF financing cycle. The funds would play a catalytic role in the implementation of the Convention's 10-year strategy, mobilize additional investments for sustainable land management from other sources, scale-up sustainable land management innovations and mobilize baseline knowledge and tracking tools for long-term monitoring and assessment of land degradation impact and trends, according to the negotiating text to be considered by the Assembly.

### **4. Partnership agreements**

17. The secretariat of the Convention has been actively exploring partnerships and collaboration with relevant agencies and programmes in this respect. The most salient were an emerging joint work programme with the United Nations Development Programme (UNDP), collaboration on drought with the International Strategy for Disaster Reduction and an agreement with the United Nations Forum on

Forests to work on issues related to dry forests and reducing emissions from deforestation and forest degradation.

18. The Convention and the International Strategy for Disaster Reduction signed a memorandum of understanding in May 2010 that will set out a framework for collaborating on reducing the vulnerability of communities to drought-related risk and to expand networks that will advance the prevention of drought-associated disasters.

19. The Convention to Combat Desertification, the International Strategy for Disaster Reduction and the Convention on Biological Diversity presented a joint proposal on the need for a global drought portal. The portal would enhance national capabilities to monitor various kinds of drought and would generate the data needed to evaluate the regional climatic variations and drought and to monitor the status of and trends in drylands biodiversity and land degradation, as well as seasonal and interannual climate predictions to mitigate the effects of drought.

20. On 25 May 2010, in Punta del Este, Uruguay, in the margins of the Fourth GEF Assembly, the Convention to Combat Desertification secretariat signed a memorandum of understanding with the United Nations Forum on Forests to team up in addressing the important institutional gap between drylands and forests, an essential step towards more effective implementation of sustainable forest and land management.

21. Two retreats involving the United Nations Environment Programme (UNEP), and GEF and the Convention secretariat are scheduled for the beginning of September 2010, aimed at enhancing collaboration between the three secretariats.

## **5. Synergies between the three Rio Conventions.**

22. The Framework Convention on Climate Change and Convention to Combat Desertification secretariats have taken the initiative to advise selected least developed countries on the synergistic implementation of both Conventions, thus creating best-practice and learning experiences for other countries, and decided to move forward on this initiative, with guidance of the Least Developed Countries Expert Group of the Framework Convention on Climate Change.

23. The Framework Convention on Climate Change and the Convention to Combat Desertification have undertaken a review of the national adaptation programmes of action and national action plans in selected least developed countries, to identify the major overlapping priority projects and to promote the development of proposals that address both land degradation and sustainable land management from national Action Plans and adaptation from national adaptation programmes of actions with the objective of undertaking joint action on targeted countries.

24. The introduction of a new reporting and monitoring system is an important element of the 10-year strategy of the Convention to Combat Desertification and is in line with the current paradigm shift of the Rio Conventions towards indicator-based reporting and results-based management. Taking into consideration the need to enhance synergies among the Rio Conventions when introducing new reporting guidelines, in its decision 8/COP.8 the Conference of Parties requested the secretariat to consult with the other secretariats of the Joint Liaison Group and to advise on ways to make reporting more efficient, taking into account the reporting procedures and obligations under each Rio Convention.

25. With a view to promoting synergies between the Rio Conventions, the secretariat of the Convention to Combat Desertification will participate in their ecosystems and climate change pavilion at the tenth session of the Conference of Parties to the Convention on Biological Diversity (18-29 October 2010) in Nagoya, Japan, along with the secretariats of the Convention on Biological Diversity and the Framework Convention on Climate Change.

#### **6. Cooperation with relevant United Nations agencies on land degradation issues**

26. In November 2009, the first inter-agency working group of the United Nations focusing on land issues concluded its formal meeting with an agreement to prepare, jointly, a rapid response report on drylands by fall 2010, and in parallel, to consider land challenges with a bearing on current global crises. The expected end result of the initiative is the identification of options for a coherent United Nations system-wide contribution to land challenges. The meeting, hosted by the Convention to Combat Desertification secretariat in Bonn, was set up by the Issue Management Group on Land and convened by the Environment Management Group. It brought together representatives from 20 United Nations entities dealing with different aspects of land. The meeting discussed and agreed on the focus and scope of the report, the process and timeline for its preparation and responsibilities of the institutions in the task.

27. Emphasis was placed on, among other things, the need for support for the widespread and increased adoption of sustainable land management practices. The short-term output, the rapid response report on drylands, is part of a United Nations system-wide initiative to support the implementation of the 10-year-strategy of the Convention to Combat Desertification. The Issue Management Group on Land held a subsequent meeting in Nairobi in May 2010 and plans to present the report to the next meeting of the Issue Management Group in September 2010.

#### **7. Organization of Land Day 2**

28. The aim of Land Day is to heighten attention among policymakers to land issues of relevance to the Convention to Combat Desertification. The first Land Day was observed in June 2009, and Land Day 2 was held on 5 June 2010 in the margins of the thirty-second session of the Framework Convention on Climate Change subsidiary bodies in Bonn.

29. Three panel sessions deliberated on how synergetic implementation of the Framework Convention on Climate Change and the Convention to Combat Desertification would foster action at the country level; how land and soil fit into the post-Copenhagen process in the context of land and food security; and what climate change negotiators need to know about water and land use in confronting climate change.

#### **8. Observance of 2010 World Day to Combat Desertification and Drought**

30. In its resolution 49/115, the General Assembly proclaimed 17 June World Day to Combat Desertification and Drought. It invited all States to devote the World Day to promoting public awareness to combat desertification and the effects of drought and the implementation of the provisions of the Convention.

31. As in previous celebrations, the Secretary-General issued a message that was broadcast around the world. The message stated that when we protect and restore drylands, we advance on many fronts at once: we strengthen food security, we address climate change, we help the poor gain control over their destiny, and we accelerate progress towards the achievement of the Millennium Development Goals. Recognizing that enhancing soil enhances life, the Secretary-General reaffirmed the international community's commitment to combating desertification and land degradation and mitigating the effects of drought.

#### **9. United Nations Decade for Deserts and the Fight against Desertification (2010-2020)**

32. The General Assembly, in its resolution A/64/201, recalled its decision to declare the decade 2010-2020 as the United Nations Decade for Deserts and the Fight against Desertification. It designated the secretariat as the focal point of the Decade, in collaboration with UNEP, UNDP, the International Fund for Agricultural Development (IFAD) and other relevant United Nations bodies.

33. The Convention to Combat Desertification, UNEP, UNDP, IFAD and the Department of Public Information formed an inter-agency task force for the preparation of activities to observe the Decade. The task force prepared an implementation strategy for the Decade, including a coordination mechanism. The proposed activity for 2010 is the launch of the Decade, scheduled for 16 August 2010 in Brazil, during the Second International Conference on Climate, Sustainability and Sustainable Development in Semi-arid Regions.

#### **10. Desertification, land degradation and drought in the context of global sustainability**

34. Desertification, land degradation and drought are among the most pressing global environmental challenges of our time, threatening to reverse the gains of sustainable development. They cause food insecurity, destabilize societies, entrench poverty and exacerbate climate change. More than 1 billion people who live on the world's drylands are also among the poorest and most vulnerable. They bear the brunt of climate change shocks and are least able to cope. They are being left behind in the attainment of the Millennium Development Goals.

35. This situation needs to be addressed with the highest priority by the world community because of its global impact on food security, biodiversity loss and climate change adaptation and mitigation. There is a need for the world's leaders to recommit to a political focus on those problems.

36. In recent years there have been a number of high-level events convened on the eve of the opening of general debate of the General Assembly, such as the Summit on Climate Change in 2009 and the high-level meeting on Africa's development needs in 2008. Now three high-level events are planned for September 2010, namely, the Summit on the Millennium Development Goals, the review of the Mauritius Strategy and the meeting on biodiversity.

37. Building on the precedents, the Bureau of the Conference of the Parties, meeting in Bonn on 23 and 24 June 2010, supported the principle of convening a one-day high-level event of the General Assembly in September 2011 to address desertification, land degradation and drought in the context of global sustainability.

The outcome of such a high-level event would be conveyed to the tenth session of the Conference of the Parties, to be held about a month later in the Republic of Korea, and to the United Nations Conference on Sustainable Development (Rio+20), to be held in Rio de Janeiro in 2012.

### **C. Possible action by the General Assembly**

38. The General Assembly has contributed to advancing the processes and implementation of the Convention through its various resolutions adopted after the Rio Summit. Major leaps forward would not have been made without the continuous authority and political support of the Assembly. Since the adoption of the 10-year strategy some three years ago and further to the policy decisions taken at the seventeenth session of the Commission on Sustainable Development to strengthen the institutional policy framework and calling for the implementation of practical measures to combat land degradation and desertification, enhancement of capacity-building, transfers of technology and financing, the Assembly may wish to pursue its call for more political and financial support for the implementation of the Convention, including by mainstreaming its core issues into development strategies in both developing and developed country parties. In this respect, the Assembly may wish to consider convening a one-day high-level event on desertification, land degradation and drought in the context of global sustainability on the eve of the general debate of its sixty-sixth session. Precedents on climate change and biodiversity, particularly the latter, may apply.

39. Further, since the ninth session of the Conference of the Parties, the Convention has entered the realm of measurability in terms of impact and performance indicators. This move was made possible through an effective involvement of the scientific community. The Assembly may therefore wish to encourage the promotion of scientific research and the strengthening of the scientific base on desertification and drought. Since the adoption at the ninth session of the new methodology and schedule for the performance review and assessment of implementation system, an important paradigm shift was achieved in the communication of information and review of implementation under the Convention, thus leading to the assessment and monitoring of land degradation and desertification. That shift, however, represents a huge investment by States parties and the international community in terms of human and financial resources. The Assembly may therefore wish to extend full recognition to the process and call for the additional substantive engagement required to measure the impact of the implementation of the Convention and the strategy.

40. In addition, since it has become evident that dealing with land degradation contributes to addressing several global policy challenges that hamper sustainable development efforts, the Assembly may wish to lend its support to a programmatic approach in calling for more synergetic implementation of the three Rio Conventions at the national level.

41. Finally, the Assembly may wish to pursue its guidance to all relevant United Nations programmes and agencies to strengthen the United Nations

system-wide coherence on land degradation in the framework of the Convention.

### **III. Report of the Executive Secretary of the Convention on Biological Diversity**

#### **A. Introduction**

1. In its resolution 64/203, the General Assembly invited the Executive Secretary of the Convention on Biological Diversity to report, through the Secretary-General, to the Assembly at its sixty-fifth session on the work of the Conference of the Parties. The present report is submitted in response to that invitation, with a focus on issues of relevance and interest to the Assembly.

2. Since the submission of the last report to the General Assembly, the Convention has moved closer to universal membership with the accession of Iraq and Somalia. The Convention now has 193 parties, while the Cartagena Protocol on Biosafety has 159 parties. Since the submission of the last report, Angola, Bosnia and Herzegovina, and Guinea-Bissau have acceded to the Protocol.

#### **B. Preparation of the tenth meeting of the Conference of the Parties to the Convention on Biological Diversity**

3. The preparation of the tenth meeting of the Conference of the Parties to the Convention, to be held in the city of Nagoya, Aichi prefecture, Japan, from 18 to 29 October 2010, continued to benefit from the guidance of the Bureau. Seven meetings of the Bureau were convened during the reporting period. Two joint meetings of the Bureaux of the Conference of the Parties and of its Subsidiary Body on Scientific, Technical and Technological Advice were also convened on the preparation of the strategic plan of the Convention for the period 2011-2020. The Bureau of the Subsidiary Body also made a significant contribution to the finalization of the third edition of *Global Biodiversity Outlook*.

4. The third edition of *Global Biodiversity Outlook* was prepared on the basis of 120 national reports submitted by parties. It demonstrates that the target of significantly reducing the loss of biodiversity 2010, agreed on by world leaders at the World Summit on Sustainable Development in 2002, has not been met. It shows that biodiversity continues to be lost at an unprecedented rate and that the main drivers of this loss have in some cases intensified, particularly as a result of climate change. It warns that many ecosystems may be approaching tipping points, beyond which widespread and irreversible degradation will take place. The report was a key input for deliberations at the fourteenth meeting of the Subsidiary Body, held in Nairobi from 10 to 21 May 2010.

5. At its fourteenth meeting, the Subsidiary Body adopted 18 recommendations on, inter alia, in-depth reviews of implementation of the programmes of work on mountain biodiversity, inland waters biodiversity, marine and coastal biodiversity, and protected areas, as well as the ongoing work on biodiversity and climate change, and sustainable use; agricultural biodiversity, including biofuels; biodiversity of dry and sub-humid lands; forest biodiversity; invasive alien species;

outcome oriented goals and targets for the period beyond 2010; incentive measures; the Global Taxonomy Initiative; the Global Strategy for Plant Conservation; consideration of the messages and implications of the third edition of the *Global Biodiversity Outlook*; new and emerging issues; and ways and means to improve the effectiveness of the Subsidiary Body. A proposal aimed at promoting a joint work programme between the three Rio Conventions was also considered.

6. The third meeting of the Ad Hoc Open-ended Working Group on Review of Implementation of the Convention was held in Nairobi from 24 to 28 May 2010. The Working Group adopted 12 recommendations. Significant among these were the revised Strategic Plan for the Convention for the period 2011-2020 and the suggested multi-year programme of work of the Conference of the Parties for the same period, as well as the strategy for resource mobilization.

7. The protocol on access and benefit sharing, which is currently under negotiation within the Convention's Ad Hoc Open-ended Working Group on Access and Benefit-sharing, will be key to the success of the new Strategic Plan for the Convention. The eighth meeting of the Working Group was held in Montreal from 9 to 15 November 2009. The first part of the ninth meeting was held in Cali, Colombia, from 22 to 28 March 2010, and its second part in Montreal from 10 to 18 July. The third and last part of the ninth meeting will be held in Nagoya on 16 October. An informal open-ended intergovernmental negotiating committee was established to finalize the negotiation of the protocol, which will be submitted for adoption to the Conference of the Parties at its tenth meeting. The Conference of the Parties will be invited to consider a proposal to convene a signing ceremony for the protocol in June 2011. The negotiation of the protocol has benefited from the contributions of all stakeholders, including representatives of civil society, research institutions and business. Representatives of indigenous and local communities were also closely associated with the negotiation of the draft.

8. The sixth meeting of the Ad Hoc Open-ended Working Group on Article 8 (j) and Related Provisions of the Convention was held in Montreal from 2 to 6 November 2009. The meeting made a substantive contribution with respect to elements related to traditional knowledge in the draft protocol on access and benefit-sharing. Significant progress was also achieved on the finalization of a code of ethical conduct to ensure respect for the cultural and intellectual heritage of the world's indigenous and local communities, as well as on the revised workplan for article 8 (j).

9. A meeting on business and access to genetic resources and benefit-sharing was held in December 2009 in Jakarta, in conjunction with the Third Business and Biodiversity Conference. More than 200 companies participated and adopted the Jakarta Charter on Business and Biodiversity, submitted for adoption by the Conference of the Parties at its tenth meeting. A high level dialogue between ministers and chief executive officers of companies will be held in conjunction with the high-level segment of the tenth meeting of the Conference of the Parties, as well as the Messe Nagoya 2010, a technological fair on biodiversity. A meeting on access to genetic resources and benefit-sharing and research institutions was convened in Paris in July 2010. A high-level dialogue with mayors and local authorities will be also be convened in conjunction with the tenth meeting of the Conference of the Parties.

10. Further to Conference of the Parties decision IX/28, in which the Conference recognized the need to engage cities and local authorities in the implementation of the Convention, the second Curitiba Meeting on Cities and Biodiversity was convened in January 2010 with a view to developing a multi-year plan of action on cities, local authorities and biodiversity. The process, supported by at least seven parties to the Convention, will bring the plan of action to the City Biodiversity Summit 2010 in Nagoya, where it will be finalized just prior to the high-level segment of the tenth meeting of the Conference of the Parties. The meeting will have also before it the proposed City Biodiversity Index, which was developed at two expert meetings held in Singapore in February 2009 and July 2010 and which is being tested in 28 cities. The City Biodiversity Index was also considered at the second Conference of the Network Urban Biodiversity and Design URBIO 2010, held from 18 to 22 May in Nagoya, Japan. The Conference adopted the Nagoya Declaration — URBIO 2010, which is aimed at promoting the implementation of the Convention at the urban level. In their negotiations on the Strategic Plan for the Convention for the period 2011-2020, the Working Group on Review of Implementation of the Convention at its third meeting and the Subsidiary Body on Scientific, Technical and Technological Advice at its fourteenth meeting both noted that the Strategic Plan would be implemented primarily through activities at the national and subnational levels, and that the values of biodiversity should be integrated by all countries into their national and local strategies and planning processes.

11. Further to decision IX/25, a multi-year plan of action on South-South cooperation on biodiversity for development will be submitted for adoption to the Group of 77 and China forum on biodiversity, to be held in Nagoya in conjunction with the meeting of the Conference of the Parties. The draft multi-year plan of action was prepared by the first meeting of the Steering Committee for South-South Cooperation at the ambassadorial level, as well as at the second Expert Meeting for South-South Cooperation on Biodiversity for Development, held in Nairobi in May 2010. The multi-year plan of action on South-South cooperation will be a major tool for the implementation of the new Strategic Plan for the Convention for the period 2011-2020.

12. The preparation of the high-level event on biodiversity at the sixty-fifth session of the General Assembly, convened to celebrate the International Year of Biodiversity, benefited from the guidance of the Bureau of the Conference of the Parties to the Convention. It was a standing item on its agenda and was discussed at its eleventh meeting. The preparation of the high-level segment was also discussed during the visit to the secretariat of the Convention in July 2010 by the President-elect of the General Assembly at its sixty-fifth session; his summary of the high-level event will be transmitted to the high-level segment of the tenth meeting of the Conference of the Parties, to be held from 27 to 29 October. The Japanese singer Misia was appointed Honorary Ambassador for the tenth meeting of the Conference of the Parties. The logo of the tenth meeting of the Conference of the Parties, with the slogan "Living in harmony into the future", is displayed on the planes of Japan Airlines.

### **C. Preparation of the fifth meeting of the Conference of the Parties serving as the Meeting of the Parties to the Cartagena Protocol on Biosafety**

13. The preparations for the fifth meeting of the Conference of the Parties serving as the Meeting of the Parties to the Cartagena Protocol on Biosafety, to be held in Nagoya from 11 to 16 October 2010, continued to benefit from the guidance of the Bureau of the Conference of the Parties. During the reporting period, three meetings of the Bureau were held. Three meetings of the Group of Friends of the Co-Chairs on Liability and Redress under the Protocol were also held to finalize international rules and procedures on liability and redress for damage that may result from the transboundary movement of living modified organisms. The parties are expected to adopt a supplementary protocol on liability and redress to the Cartagena Protocol on Biosafety at their fifth meeting. The parties will have before them a proposal to convene a signing ceremony in New York on 7 March 2011 in conjunction with the second meeting of the preparatory committee of Rio+20. At the fifth meeting, the parties are also expected to adopt a 10-year strategic plan for the implementation of the Protocol for the period 2011-2020, with the aim of strengthening global, regional and national action to ensure an adequate level of protection in the field of the safe transfer, handling and use of living modified organisms that may have adverse effects on the conservation and sustainable use of biological diversity, taking also into account risks to human health.

14. The parties hope to facilitate the establishment and further development of effective biosafety systems for the implementation of the Protocol, build capacity among various stakeholders, increase public awareness and public participation in decision-making involving living modified organisms, facilitate compliance and ensure effective information-sharing with respect to biosafety among Governments and other stakeholders. The parties to the Protocol, in collaboration and partnership with relevant organizations such as United Nations agencies, intergovernmental and non-governmental organizations, academic and research institutions, industry and the private sector representatives, are heading towards the adoption of a road map for risk assessment of living modified organisms, and specific guidance documents on the elements and procedures of risk assessments for different types of living modified organisms, in order to help countries in their pursuit of informed decision-making in the development, handling and use of living modified organisms.

### **D. Celebration of the International Year of Biodiversity**

15. In its resolution 61/203, the General Assembly declared 2010 the International Year of Biodiversity. A strategy and plan of implementation for the Year were finalized. A logo bearing the slogan "Biodiversity is life, biodiversity is our life" was launched in Montreal in October 2009. Global celebrations were initiated with a message from the Secretary-General. The International Year was officially launched in Berlin on 11 January 2010 with the participation of the Chancellor of Germany. It will be closed in Kanazawa, Ishikawa, Japan on 18 and 19 December 2010. The closing ceremony will coincide with the launch of the International Year of Forests, 2011.

16. The Convention secretariat has established a museum for the International Year. The collection will be unveiled at the closing ceremony as well as in New York during the consideration of the report on the Year at the sixty-sixth session of the General Assembly. On 8 July 2010, the Secretary General appointed Edward Norton, an American film actor and dedicated environmentalist, as the United Nations Goodwill Ambassador for Biodiversity.

17. The secretariat is issuing monthly reports on activities to mark the International Year. In July 2010, a six-month activity report was issued ([www.cbd.int/iyb/doc/prints/iyb-report-2010-06-en.pdf](http://www.cbd.int/iyb/doc/prints/iyb-report-2010-06-en.pdf)). As at 23 July, the secretariat had posted on its website information about 528 activities in celebration of the Year in 130 countries. Some 2,000 authorizations for use of the logo of the International Year have been provided by the secretariat. An impressive number of high quality activities have been organized around the world, including the issuance of commemorative stamps by 16 countries, as well as by the United Nations Postal Administration in New York, Geneva and Vienna. In the Philippines, a presidential decree declared 2010 the National Year of Biodiversity. With the support of GEF, a United States congressional launch of the Year was held in Washington, D.C., in April 2010, with the participation of the President of the Philippines and the Prime Minister of Norway.

18. Many international organizations have held special meetings to celebrate the Year, in particular the United Nations Educational, Scientific and Cultural Organization, UNDP, the United Nations Conference on Trade and Development, GEF, the United Nations University and the Economic and Social Council. World Environment Day was celebrated by UNEP under the theme of biodiversity. The main event took place in Rwanda with the participation of the President and the First Lady.

19. Another secretariat advocacy and outreach initiative was its participation in the launch of an 11-part natural history series co-produced by BBC and Discovery Communications. The series is broadcast around the world to raise awareness of the International Year of Biodiversity. In collaboration with GEF, the logo for the Year was displayed at the FIFA World Cup in South Africa in June 2010 through more than 520 publicity spots viewed by 2 million spectators. In addition, as a result of efforts by the secretariat to engage the business sector, the aircraft manufacturer Airbus is showing its support by featuring the official logo of the Year on its largest passenger aircraft, the A380, which will carry the logo throughout 2010 during scheduled flights. The secretariat has also tapped into social networking initiatives and other contemporary cost-effective means such as Facebook and YouTube to enhance awareness of the International Year. The Facebook page for the International Year of Biodiversity ([www.facebook.com/iyb2010](http://www.facebook.com/iyb2010)) had 39,000 fans at the end of July 2010.

20. During the International Year of Biodiversity there were also celebrations around the world for the International Day for Biological Diversity on 22 May under the theme "Biodiversity for development and poverty alleviation". The main celebration took place in Nairobi at the headquarters of UNEP. An Action Day on Biodiversity was organized in 48 countries with the support of the German Ministry for Economic Cooperation and Development. In addition, 45 parties to the Convention organized special events to celebrate the International Day. The secretariat announced that forest biodiversity would be the theme for the

International Day for Biological Diversity in 2011, as a contribution to the celebration of the International Year of Forests.

21. Children and youth contributed to the celebration of the International Day for Biological Diversity through the Green Wave for biodiversity, an initiative aimed at connecting children and youth of the world with the natural world and helping them to discover the diversity of life that surrounds them. On the International Day for Biological Diversity, over 2,500 groups from 63 countries participated in the Green Wave campaign for 2010. In Japan, the host of the upcoming tenth meeting of the Conference of the Parties, the Green Wave involved 111,000 participants representing 1,588 groups in 43 prefectures. Several international and national partners are engaged in the campaign. The Small Grants Programme of GEF contributed greatly to bringing schools in developing countries to participate in the Green Wave. To date, 20 airlines have become "Friends of The Green Wave" and up to 300 airlines could be engaged in the near future. Jean Lemire, a Canadian biologist, explorer and filmmaker was designated goodwill ambassador for the Green Wave. Mr. Lemire will lead a three-year expedition on a steel sailing ship, the *Sedna*, in order to raise public awareness about biodiversity. In addition, on 28 July, Walt Disney's Animal Kingdom in Orlando, United States of America, celebrated the International Year of Biodiversity at Rafiki's Planet Watch with special exhibitions and activities on biodiversity, based on the messages of the International Year.

## **E. Enhancing global biodiversity partnerships**

22. The secretariat has continued to actively pursue partnerships in the implementation of the three objectives of the Convention. During the reporting period, 10 memorandums of understanding on cooperation were signed with relevant partners, including the United Nations Forum on Forests, the World Tourism Organization, the Alliance for Zero Extinction, Conservation International, the International Tropical Timber Organization, Partnerships in Environmental Management for the Seas of East Asia, the World Association of Zoos and Aquariums, the Canadian Environmental Network, the Institute of Energy and Environment of La Francophonie and, jointly with Amazonian countries, the Latin American Technical Cooperation Network on National Parks, Other Protected Areas and Wildlife, the International Union for Conservation of Nature and Natural Resources and the World Wide Fund for Nature.

23. The secretariat has continued to work actively with the two other Rio Conventions. Joint activities were organized at the Conferences of the Parties to the Convention to Combat Desertification and the Framework Convention on Climate Change. The seventh meeting of the Joint Liaison Group will be held in New York in conjunction with the high-level meeting on biodiversity at the sixty-fifth session of the General Assembly. A pavilion on ecosystems and climate change will be organized at the tenth meeting of the Conference of the Parties by the secretariats of the three Rio Conventions.

24. Cooperation with the biodiversity-related conventions also continued. The third meeting of the Chairs of the Scientific Advisory Bodies of Biodiversity-related Conventions was held in Nairobi on 4 October 2009. Issues addressed at the meeting included the development of post-2010 biodiversity targets, options for improving

collaboration and synergy on issues of common interest, preparations for the International Year of Biodiversity and options for strengthening science-policy interfaces on biodiversity and ecosystem services. A memorandum of understanding with the International Treaty on Plant Genetic Resources for Food and Agriculture has been finalized and will be signed at the tenth meeting of the Conference of the Parties.

## **F. Recommendations**

25. At its sixty-fifth session, the General Assembly may wish to:

(a) Welcome the results of the tenth meeting of the Conference of the Parties, including the Strategic Plan of the Convention for the period 2011-2020;

(b) Welcome the adoption of the protocol on access to genetic resources and the fair and equitable sharing of benefits arising from their utilization to the Convention on Biological Diversity and the supplementary protocol on liability and redress to the Cartagena Protocol and call for their early entry into force;

(c) Welcome the progress achieved by the International Year of Biodiversity in generating awareness on biodiversity issues and engaging all stakeholders and, in particular, welcome the international Green Wave initiative, aimed at engaging children and youth;

(d) Designate 2011-2020 the United Nations Decade of Biodiversity;

(e) Encourage Governments and all relevant stakeholders and international organizations to contribute to the celebration of the United Nations decade of biodiversity;

(f) Designate the secretariat of the Convention on Biological Diversity the focal point of the decade of biodiversity;

(g) Call on donors to make financial resources available for the implementation of the Strategic Plan of the Convention and that of the Cartagena Protocol for the period 2011-2020;

(h) Urge Governments that have not yet become parties to the Convention on Biological Diversity and its Cartagena Protocol on Biosafety to do so as soon as possible.



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### Sixty-fifth session

Item 67 (b) of the provisional agenda\*

**Elimination of racism, racial discrimination, xenophobia and  
related intolerance: comprehensive implementation of and  
follow-up to the Durban Declaration and Programme of Action**

### **Combating racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of the follow-up to the Durban Declaration and Programme of Action**

#### **Note by the Secretary-General**

The Secretary-General has the honour to transmit to the members of the General Assembly the interim report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, pursuant to Assembly resolution 64/148.

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\* A/65/150.

## Interim report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance

### *Summary*

The present report to the General Assembly is submitted pursuant to Assembly resolution 64/148 on global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action.

Following a brief introduction, the Special Rapporteur refers in section II of the report to thematic issues addressed in annual reports, conferences, seminars and other meetings since his last report to the Assembly (A/64/271). Those issues include racism and conflict; incitement to racial or religious hatred; the situation of migrants, refugees and asylum-seekers; the collection of ethnically disaggregated data; and racism and sports. In section III, the Special Rapporteur refers to country visits undertaken within the framework of his mandate. Finally, the Special Rapporteur presents a number of conclusions and recommendations relating to the above-mentioned thematic issues.

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## **I. Introduction**

1. The mandate of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance was created by the Commission on Human Rights in its resolution 1993/20 and further refined in its resolution 1994/64. In March 2008, the Human Rights Council reviewed, rationalized and improved the mandate. As a result, the Human Rights Council adopted resolution 7/34, which extended the mandate of the Special Rapporteur for a period of three years and set out the terms of reference in paragraphs 2 and 3 of the resolution.

2. The present report is submitted pursuant to General Assembly resolution 64/148 on global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action.

3. In the present report, the Special Rapporteur gives an overview of the activities carried out under the mandate since the submission of his previous report to the Assembly (A/64/271). Section II is devoted to thematic issues addressed by the Special Rapporteur in annual reports, conferences, seminars and other meetings. Those issues include racism and conflict; incitement to racial or religious hatred; the situation of migrants, refugees and asylum-seekers; the collection of ethnically disaggregated data; and racism and sports. In section III, the Special Rapporteur refers to country visits undertaken in the framework of his mandate. Finally, the Special Rapporteur presents a number of conclusions and recommendations relating to the above-mentioned thematic issues.

## **II. Thematic issues addressed by the Special Rapporteur in annual reports, conferences, seminars and other meetings**

### **A. Racism and conflict**

4. In his annual report submitted at the fourteenth session of the Human Rights Council (A/HRC/14/43), the Special Rapporteur examined how conflict and racism, racial discrimination, xenophobia and related intolerance interrelate. As stated in the Durban Declaration and Programme of Action, racism, racial discrimination, xenophobia and related intolerance are among the root causes of many internal and international conflicts and are also very often one of its consequences.<sup>1</sup>

5. To prevent the eruption of a conflict, the Special Rapporteur emphasized the need to identify early warning signs that help to recognize situations which might lead to conflict. In a manner complementary to the tools developed by the Committee on the Elimination of Racial Discrimination and the Special Adviser on the Prevention of Genocide, the Special Rapporteur called upon all stakeholders to give due attention to certain issues, such as the way in which the concept of so-called "national identity" is debated within a given country, the presence of socio-economic discrimination against members of specific groups of the population, as well as political manipulation of racist or nationalist ideology. Indeed, those issues, if dealt with in an inappropriate manner, might contribute to

<sup>1</sup> See A/CONF.189/12 and Corr.1, chap. I, preamble and para. 20.

tensions, and eventually to conflict. The Special Rapporteur therefore recommended that debates surrounding the concept of national identity not be used as a tool to create artificial differences between some groups of the population, and that they take into account the multiplicity of identities of each individual, so as to avoid the trap of defining identity exclusively on the grounds of ethnicity or nationality. He also recommended that States take all necessary measures, including through affirmative action, to prevent, prohibit, sanction and offer compensation for socio-economic discriminatory practices targeting certain groups of individuals. With regard to political manipulation of racist or nationalist ideology, the Special Rapporteur recommended that an effective response thereto must follow a comprehensive approach, taking into account all structural conditions which enabled such manipulation to affect mindsets and attitudes within society.

6. In his report, the Special Rapporteur also addressed the question of hate speech as a factor that contributes to the exacerbation of a conflict. Relying on the dehumanization of the other, hate speech may become an effective tool in times of conflict to incite people to commit acts of violence, including killings, against specific individuals or groups of individuals. Hence, the Special Rapporteur recommended that States fully comply with their international obligations, in particular with article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination and article 20 of the International Covenant on Civil and Political Rights, and he recalled that such obligations remain applicable in times of conflict.

7. In the context of post-conflict situations, the Special Rapporteur affirmed in his report that it is essential to ensure that the root causes of a conflict are appropriately addressed to avoid the resurgence of tensions and violence. He emphasized that this is of particular importance in the aftermath of internal conflicts, where people who have fought against each other continue living together. Peace agreements and peacekeeping missions play a key role in addressing the root causes of a conflict, including those related to racism, racial discrimination, xenophobia and related intolerance. In that regard, he referred to several examples of good practices and emphasized several elements that are essential to ensure the success of a peace process.

8. Concluding that racism may lead to genocide, war crimes, ethnic cleansing and crimes against humanity, in particular in the context of conflicts, the Special Rapporteur emphasized the State's primary responsibility to protect its population. He, however, recalled that the responsibility to protect is also an obligation of the international community. Indeed, the international community, including the United Nations, has the duty to provide assistance to the State when requested; nevertheless, it also has the obligation to act in cases where the State fails or refuses to protect its population.

9. On 15 June 2010, the Special Rapporteur addressed the issue of racism and conflict in a joint press release<sup>2</sup> concerning ethnic violence, which had claimed hundreds of lives and left many hundreds more injured in Kyrgyzstan. Expressing alarm and deep concern about the outbreak of violence between ethnic Kyrgyz and ethnic Uzbeks, the Special Rapporteur called upon the provisional government to

<sup>2</sup> Available from <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=10152&LangID=E>.

put a stop to the violence and prevent its further escalation or spreading to other areas of the country. He recalled that the security of those from all ethnic groups, including all minorities in Kyrgyzstan, had to be protected. Moreover, the true causes of the tensions had to be fully analysed and addressed to help ensure that such events could not happen again. The Special Rapporteur emphasized that it was essential to quickly establish the rule of law and to establish long-term measures to promote dialogue and improve relations between ethnic groups. He stressed that respect for minority rights, the principle of non-discrimination and the rule of law were all key components of long-term stability and conflict prevention.

## **B. Incitement to racial or religious hatred**

10. Since his previous report to the General Assembly (A/64/271), the question of incitement to racial or religious hatred has been raised by the Special Rapporteur on several occasions, including in a report and in a public statement, which are summarized below.

11. At the fifteenth session of the Human Rights Council, the Special Rapporteur submitted, pursuant to Council resolution 13/16, a report on the manifestations of defamation of religions, and in particular on the ongoing serious implications of Islamophobia, for the enjoyment of all rights by their followers (A/HRC/15/53). The Special Rapporteur recalled that the report had to be read in conjunction with the first report he submitted (A/HRC/12/38), at the twelfth session of the Human Rights Council.

12. While the first report focused on the legal and conceptual questions concerning the debate on defamation of religions and incitement to racial or religious hatred, in his second report the Special Rapporteur referred to worldwide incidents relating to issues raised in Council resolution 13/16, which were brought to his attention. Such incidents appeared to fall under five broad and non-exhaustive categories warranting different approaches under international human rights law. The categories include acts of violence or discrimination, or incitement thereto, against individuals on the basis of their religion or belief; attacks on religious sites; religious and ethnic profiling; bans or restrictions on religious symbols; and negative stereotyping of religions, their followers and sacred persons. For each of the above-mentioned categories, the Special Rapporteur presented observations pertaining to relevant and applicable international human rights law, which provides sufficient tools to respond to all the cases received.

13. As such, the Special Rapporteur strongly condemns all acts of violence or discrimination, or incitement thereto, against persons based on their religion or belief. He recalls that such acts are clearly prohibited in international law. With regard to incitement, more particularly, he calls upon States to take all necessary measures to implement article 20 of the International Covenant on Civil and Political Rights.

14. The Special Rapporteur also strongly condemns attacks on religious sites. He recalls that places of worship are an essential element of the manifestation of the right to freedom of religion or belief which is protected by international human rights law and therefore calls upon States to abide by relevant international human rights standards.

15. Expressing deep concerns at reports of discriminatory profiling targeting specific groups of the population based on their perceived ethnic or religious background, the Special Rapporteur calls upon States not to resort to profiling founded on grounds of discrimination prohibited by international law, including on racial, ethnic or religious grounds.

16. With regard to bans or restrictions on religious symbols, such as minarets, the Islamic veil and the full head-to-toe niqab, the Special Rapporteur acknowledges that it is a delicate question, since it raises several issues in terms of human rights. In respect of the legality of the restrictions, the Special Rapporteur takes the view that it is up to an independent and impartial judiciary to assess on a case-by-case basis whether they run counter to, *inter alia*, the freedom to manifest one's religion or belief, the freedom of expression and the principle of non-discrimination. In particular, when debating the wearing of the niqab, he also deems it necessary to take into account security concerns and the principle of equality between men and women, as well as the individual's freedom to wear or not to wear religious symbols. Nonetheless, the Special Rapporteur expresses concerns vis-à-vis the recent controversial debates around the construction of minarets and the wearing of religious symbols, which demonstrate the fears among the population towards a single religion. In that regard, he deeply deplores the numerous political campaigns which have relied on those fears for political gain, and he strongly encourages moderate voices to be more prominent and vocal, in order to counter those political campaigns with rational arguments, including those based on human rights.

17. The Special Rapporteur regrets reports of stereotyping, which does not contribute to the creation of an environment conducive to constructive and peaceful dialogue among communities. Nonetheless, he recalls that peaceful expressions of opinions and ideas should always be tolerated, as long as they do not fall under the restrictions in articles 19 and 20 of the International Covenant on Civil and Political Rights.

18. In his report, the Special Rapporteur distinguishes between the stereotyping of religions on the one hand and of religious followers or sacred persons on the other, since those instances should be treated differently from a human rights perspective. With regard to stereotyping of religious followers and of sacred persons, he recalls that the right to freedom of expression may be restricted in order to protect, *inter alia*, the rights or reputations of others. However, the Special Rapporteur believes that a very high threshold should be met and that defamatory expressions targeting individuals must have been proven false before they warrant restrictions and sanctions thereon. Moreover, he recommends that sanctions be of a civil nature only, so as not to have a chilling effect on the right to freedom of expression. Concerning stereotyping of religions, the Special Rapporteur recalls that vigorously interrogating and criticizing religious doctrines and their teachings is thoroughly legitimate and constitutes a significant part of the exercise of the right to freedom of opinion or expression. Domestic blasphemy laws aiming to protect religions *per se* can therefore prove counterproductive since they could result in *de facto* censure of robust examination of religious doctrines and teachings and of inter- and intra-religious criticism. Consequently, the Special Rapporteur encourages States to move away from the notion of defamation of religions and towards the legal concept of advocacy of racial or religious hatred that constitutes incitement to discrimination, hostility or violence, in order to anchor the debate in the relevant existing

international legal framework, in particular, in that provided by the International Covenant on Civil and Political Rights.

19. In conclusion, the Special Rapporteur affirmed that advocacy of racial or religious hatred is an external manifestation of something much more profound, which is intolerance and bigotry. While States have often relied on legislative responses to the advocacy of racial or religious hatred, the Special Rapporteur expressed the view that such responses are far from being sufficient to bring about real changes in mindsets, perceptions and discourse. Indeed, tackling the root causes of manifestations of religious intolerance affecting an individual's human rights requires a much broader set of policy measures, for example, in the areas of education, awareness-raising and interreligious and intercultural dialogue. The Special Rapporteur therefore strongly recommended in his report that States put a strong emphasis on a broad range of preventive measures which aim at fostering a peaceful society in which, *inter alia*, freedom of expression and freedom of religion or belief may be fully exercised by all individuals.

20. On 14 October 2009, the Special Rapporteur participated in an expert seminar on strengthening cooperation between the European Union and the United Nations in the struggle against all forms of discrimination, organized by the European Union and the Office of the United Nations High Commissioner for Human Rights, in Brussels.<sup>3</sup> On that occasion, the Special Rapporteur was requested to speak on intolerance and discrimination against Arabs and Muslims.

21. As a United Nations expert on racism, racial discrimination, xenophobia and related intolerance, the Special Rapporteur recalled that discrimination targeting Muslims falls within his mandate when linked to discrimination on the ground of ethnic origin. There is a definite correlation between ethnicity and religious affiliation. In that regard, he mentioned that the Committee on the Elimination of Racial Discrimination had also come to that conclusion by referring to the intersectionality between race and religion. Thus, the Committee addresses issues of religious discrimination when linked to racial discrimination.

22. In Europe, people of Arab origin are often associated with Islam. The Special Rapporteur stated that it was therefore often very difficult to address cases of racial or religious discrimination as they relate to Arabs and Muslims separately. The European Union Agency for Fundamental Rights conclusively documented that cases of discrimination and violence affecting Arabs and Muslims were complicated by the fact that they were invariably linked with multiple forms of discrimination based on ethnic origin, religion and gender. The Special Rapporteur stressed that it was, therefore, essential to adopt a comprehensive approach towards those acts.

23. While there is evidence that most countries in Europe are aware of the magnitude of the problem and are committed to addressing it, the Special Rapporteur emphasized that the intolerance and discrimination experienced by Muslims and Arabs in the European Union remain a major human rights issue. In that regard, he strongly deplored acts of violence against individuals on the basis of their ethnic origin or religious affiliation. He stated that one could not remain silent when a woman was killed in a court room where she had gone to vindicate her rights against discrimination as a Muslim, when places of worship or cultural centres were

<sup>3</sup> Available from <http://www2.ohchr.org/english/issues/racism/rapporteur/docs/SpeechBrussels141009.pdf>.

attacked, when a young man could not find a job because he was of Arab origin or when a child was attacked at school for the same reason. The Special Rapporteur therefore called upon States to take all necessary and appropriate measures to investigate those acts as well as prosecute and sanction the perpetrators in accordance with international human rights law. He stressed that not a single act of racism or discrimination towards Arabs and Muslims should be tolerated and that more should be done to collect data on hate crimes, including those affecting Arabs and Muslims. Precise data is needed to ensure an appropriate and determined response.

24. The Special Rapporteur insisted that outreach measures and education tools be further developed. The main objective should be to ensure meaningful participation of all in public life so as to foster social integration. When needed, special or positive measures should be considered to ensure full equality. Emphasis was also put on the need to adopt a victim-oriented approach, so as to ensure that actions undertaken truly provide concrete responses to the needs of those experiencing racism and discrimination. All victims should receive the same attention and protection. It is essential to avoid establishing any hierarchy among the different manifestations of discrimination, even if they may vary in nature and degree depending on the historical, geographical and cultural context. All forms of racism and discrimination should therefore be addressed with the same emphasis and the same determination.

### **C. Human rights challenges faced by migrants, refugees and asylum-seekers**

25. Since his last report to the General Assembly (A/64/271), the question of the human rights challenges faced by migrants, refugees and asylum-seekers has been raised by the Special Rapporteur on various occasions, including through participation in conferences and meetings, as well as through press releases and in the context of country missions (see section III for a consideration of the missions to the United Arab Emirates and Singapore).

26. In Lisbon on 1 June 2010, the Special Rapporteur delivered a statement on racism and xenophobia affecting migrants<sup>4</sup> at a conference on human rights and migrants organized by the Council of Europe, the Government of Portugal and the Office of the United Nations High Commissioner for Human Rights.

27. On that occasion, the Special Rapporteur recalled that migration was one of the most challenging issues of the 21st century. He stressed that people tend to migrate more and more for economic, political or humanitarian reasons, including poverty, conflicts and environmental degradation. Increased migration flows have profoundly affected societies, which are becoming more diverse in all aspects. Whereas in most cases many societies and States used to be anchored in monocultural identities, the Special Rapporteur stated that they are now confronted with the challenge of, and opportunity for, accommodating peoples of different ethnic origins, cultures, religions or languages within the same territory.

28. While acknowledging that the term "migrants" encompasses a very diverse population, the Special Rapporteur focused his statement on the migrants who are

<sup>4</sup> Available from [http://www2.ohchr.org/english/issues/racism/docs/Lisbon\\_speech.pdf](http://www2.ohchr.org/english/issues/racism/docs/Lisbon_speech.pdf).

the most vulnerable. Having departed from their countries of origin, these migrants encounter several obstacles owing to differences in language, customs and culture, a lack of awareness of their rights, and economic and social difficulties. As a result, migrants are particularly exposed to human rights violations and abuse, including racial discrimination and xenophobia.

29. Despite the growing recognition that migration is an essential and inevitable component of the economic and social life of every State, and that orderly and properly managed migration can be beneficial for both individuals and society as a whole, the Special Rapporteur noted with regret the deeply marked tendencies to characterize migration as a problem and threat to the cohesion of a given society, national identity or security. In that context, he stated that some political parties had been particularly efficient at manipulating and fostering xenophobic feelings among the population for political gain.

30. Referring to the recent tragic events of xenophobic violence targeting migrants in Italy (see paras. 37-38) and in South Africa,<sup>5</sup> the Special Rapporteur pointed out that migrants are easy targets for manifestations of racism and xenophobia. He stressed that irregular migrants, considered as criminals by some States, are even more vulnerable. Owing to their lack of legal status and their reluctance to access justice or liaise with any authority, irregular migrants are placed at considerable risk of abuse, discrimination and xenophobic attacks, some of which may be fatal. Moreover, irregular migrants will in most cases not report such incidents to the police; they will not seek any kind of redress, and remain hidden in order not to be deported.

31. The Special Rapporteur strongly reaffirmed that migrants, like any other human beings, regardless of their migration status, are entitled to have their human rights protected by the State where they reside. Both regular and irregular migrants should therefore enjoy, *inter alia*, freedom of expression or association; freedom from racial discrimination in the areas of education or health; the right to equal treatment before the tribunals and all other organs administering justice; and a guarantee of their physical integrity by the State concerned.

32. While acknowledging the sovereign right of each State to formulate and apply its own legal framework and policies for migration, the Special Rapporteur recalled that those policies must be consistent with applicable international human rights instruments, norms and standards, and designed in a way to ensure that they are free from racism and xenophobia. In that regard, he referred to the relevant provisions of the Durban Declaration and Programme of Action and the outcome document of the Durban Review Conference, which strongly condemn the manifestations and acts of racism, racial discrimination, xenophobia and related intolerance against migrants.

33. Faced with rising xenophobic fears and unease among their populations, States have in the last decade responded to growing migration flows with greater control at their borders and stricter immigration policies. The Special Rapporteur, however, stated that, in the long run, finding the means to create conditions conducive to greater harmony, tolerance and respect between migrants and the rest of society would prove more beneficial to all stakeholders than the implementation of stricter immigration policies. While the means to do so may vary, the Special Rapporteur emphasized that it is necessary to give prominence to migration policies which are

<sup>5</sup> See A/HRC/14/43/Add.1, paras. 117-131.

human rights-compliant. He also highlighted the critical role of awareness-raising and education to create societies which are tolerant and harmonious, ensuring mutual respect for all.

34. While education demands long-term investment by States, the benefits clearly outweigh any costs. Societies that live in harmony and enjoy prosperity as a result certainly reap higher dividends than those in turmoil and conflict. The Special Rapporteur therefore pointed out that States need to educate their own population to emphasize that migrants do not represent a threat to national identity or security, but that they contribute in a positive manner to the socio-economic development of the country. It is, however, also important for States to provide relevant training and information to migrants so that they are aware of their rights and the ways to access the mechanisms that will guarantee their protection, as well as to make them aware of the societies in which they reside.

35. Finally, the Special Rapporteur recalled that civil society organizations at large, international and regional organizations should also take part in the broad efforts to combat negative stereotypes of, and discrimination against, migrants, and to promote understanding and tolerance. It is only through common approaches, coordinated strategies and joint initiatives that migrants will be offered enhanced protection against racism and xenophobia.

36. The situation of migrants was also raised by the Special Rapporteur in two joint press releases on the events in Rosarno, Italy,<sup>6</sup> and on the immigration law in Arizona (United States of America).<sup>7</sup>

37. On 12 January 2010, following two days of unrest during which at least 53 people were injured, the Special Rapporteur urged the Italian authorities to take all necessary measures to curb the growing xenophobic attitude towards migrant workers, which had led to the tragic events in the city of Rosarno. He stressed that violence, whether perpetrated by Italians or by migrant workers, had to be addressed in the most vigorous manner through the rule of law and that human rights should always be protected, regardless of immigration status.

38. In the Special Rapporteur's view, the violence that erupted in Rosarno was extremely worrying since it revealed serious and deep-rooted problems of racism against migrant workers. He called upon the Italian authorities to show their firm commitment to creating a safe and peaceful environment for all, including by finding ways to improve the very poor living and working conditions of migrant workers. He also urged the authorities to implement an immigration policy in full conformity with international human rights standards. While welcoming the initial steps taken by the authorities to enquire into the events, the Special Rapporteur stressed that it was more urgent than ever for the Italian authorities to strengthen their anti-racism activities and provide human rights education, as well as to swiftly denounce hate speech and prosecute the racist and violent actions perpetrated by some individuals.

39. On 10 May 2010, the Special Rapporteur expressed serious concern over an immigration law that may allow for police action targeting individuals on the basis

<sup>6</sup> Available from [http://www2.ohchr.org/english/issues/racism/docs/PR\\_Italy\\_12January2010.pdf](http://www2.ohchr.org/english/issues/racism/docs/PR_Italy_12January2010.pdf).

<sup>7</sup> Available from <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=10035&LangID=E>.

of their perceived ethnic origin. He stated that it was part of a disturbing pattern of legislative activity hostile to immigrants.

40. The Special Rapporteur underlined that the Arizona immigration law required State law enforcement officers to determine the immigration status of individuals based just on a "reasonable suspicion" that they were in the country illegally, and to arrest a person, without a warrant, if the officer had "probable cause" to believe the person was an illegal alien. The law also makes it a crime to be in the country illegally and dictates that undocumented persons are guilty of trespassing. The immigration law specifically targets day labourers, making it a crime for an undocumented migrant to solicit work, and for any person to hire or seek to hire an undocumented migrant. The Special Rapporteur noted that the law may lead to detaining and subjecting to interrogation persons primarily on the basis of their perceived ethnic characteristics. As such, in Arizona, persons who appear to be of Mexican, Latin American, or indigenous origin are especially at risk of being targeted under the law. Expressing concern about the sweeping language of Arizona's immigration law, which raises serious doubts about the law's compatibility with relevant international human rights treaties to which the United States is a party, the Special Rapporteur stressed that all States were required to respect and ensure the human rights of all persons subject to their jurisdiction, without discrimination.

41. While recognizing the prerogatives of States to control immigration and to take appropriate measures to protect their borders, the Special Rapporteur nonetheless emphasized that such actions had to be taken in accordance with fundamental principles of non-discrimination and humane treatment. He therefore urged the State of Arizona and the Government of the United States to take all necessary measures to ensure that the immigration law was in line with international human rights standards, and to devise and carry out any mechanism to control migration with due regard for the right of individuals to be free from discrimination.

42. On 30 June 2010, the Special Rapporteur addressed the specific situation of refugees and asylum-seekers in a statement delivered at a session on xenophobia organized within the framework of the Office of the United Nations High Commissioner for Refugees annual consultations with non-governmental organizations in Geneva, Switzerland.<sup>8</sup>

43. On that occasion, the Special Rapporteur recalled that refugees and asylum-seekers are among the most vulnerable groups of people. Refugees and asylum-seekers flee from their country to avoid armed conflicts, natural disasters and human rights violations, including racism, racial discrimination, xenophobia and related intolerance. In that regard, the 2001 Durban Declaration recognized with concern that those scourges contributed to forced displacement and the movement of people from their countries of origin as refugees and asylum-seekers.<sup>9</sup>

44. Once in host countries, refugees and asylum-seekers often face further major human rights challenges, including racism and xenophobia. For instance, they may encounter racial discrimination in the enjoyment of their civil, cultural, economic, political and social rights, notably in the areas of education, health, housing,

<sup>8</sup> Available from [http://www2.ohchr.org/english/issues/racism/rapporteur/docs/SR\\_Racism\\_UNHCR\\_Session\\_Xenophobia\\_30\\_06\\_2010.pdf](http://www2.ohchr.org/english/issues/racism/rapporteur/docs/SR_Racism_UNHCR_Session_Xenophobia_30_06_2010.pdf)

<sup>9</sup> A/CONF.189/12 and Corr.1, chap. I, para. 52.

employment, access to social benefits and access to justice. They may also be easy targets of hate crimes, including xenophobic violence, attacks and killings. Hate speech and racist discourse against refugees and asylum-seekers by politicians are also of concern, especially during election campaigns. As such, the Special Rapporteur emphasized that much remained to be done to protect refugees and asylum-seekers. In that regard, he made a few recommendations.

45. For instance, the Special Rapporteur urged States to ratify the relevant international human rights instruments, including the International Convention on the Elimination of All Forms of Racial Discrimination. He also encouraged States to take the necessary measures to implement fully the Durban Declaration and Programme of Action, as well as the outcome document of the Durban Review Conference, which also addresses the situation of refugees and asylum-seekers.

46. At the national level, the Special Rapporteur recommended that States adopt specific legislative provisions that define and prohibit racism, racial discrimination, xenophobia and related intolerance. He also recommended that States regularly revise relevant legislation, in particular when there are discriminatory provisions vis-à-vis refugees and asylum-seekers or when legislation does not provide sufficient protection against racist or xenophobic attacks. In that regard, he stressed that offences committed with a racist motivation or aim should be considered as aggravating circumstances leading to more severe punishment.

47. The Special Rapporteur emphasized the need for legislation to be complemented with protection measures which ensure that refugees and asylum-seekers are guaranteed effective access to legal remedies and are able to obtain adequate reparation for any damage suffered as a result of racism and xenophobic behaviour. As such, claims brought by refugees and asylum-seekers must be investigated without discrimination and those responsible brought to justice. In that regard, the collection of ethnically disaggregated data relating to racist incidents against refugees and asylum is an essential tool to understand the nature and extent of racism and xenophobia, to assess and monitor the effectiveness of the measures taken, and to design appropriate and effective anti-discrimination legislation, policies and programmes.

48. The Special Rapporteur also recommended that national human rights institutions be fully involved in the anti-racism strategy and that they be provided with a clear mandate to receive, investigate and address complaints of racial discrimination by all individuals, including refugees and asylum-seekers.

49. With regard to awareness-raising measures, the Special Rapporteur recommended that human rights training, including those with a focus on the situation of refugees and asylum-seekers, be provided to law enforcement officials, especially immigration officials and borders police. He also put emphasis on human rights education at all levels and all ages, which contributes to addressing the root causes of negative stereotypes, racism and xenophobia and to promoting intercultural understanding.

50. The Special Rapporteur stated that any strategy would lack efficiency without the full involvement of all relevant actors, including the Office of the United Nations High Commissioner for Refugees and refugees, civil society and asylum-seekers themselves. States must provide adequate support to all civil society actors

and involve them closely in the elaboration and implementation of policies and programmes designed to combat racism.

#### **D. Collection of ethnically disaggregated data**

51. The collection of ethnically disaggregated data is an issue which has been raised on several occasions by the Special Rapporteur since he was appointed in August 2008. For instance, he addressed this issue in his report submitted to the eleventh session of the Human Rights Council (see A/HRC/11/36, paras. 20-27). The issue was also the subject of a written contribution made in the context of a seminar on data collection and the use of indicators to promote and monitor racial equality and non-discrimination, which was organized by the Office of the United Nations High Commissioner for Human Rights from 3-5 May 2010, in Rio de Janeiro, Brazil.<sup>10</sup>

52. In his contribution, the Special Rapporteur recalled that the collection of ethnically disaggregated data and indicators was a key prerequisite of any action aimed at tackling the socio-economic vulnerability of persons belonging to ethnic or national minorities. He emphasized that it was an essential tool to identify the persons and groups affected by racial discrimination and to better understand the nature and extent of the inequalities they face. Such data are then important to design appropriate and effective anti-discrimination legislation, policies and programmes that take into consideration the situation of vulnerability of certain individuals and groups of individuals. In some situations, ethnically disaggregated data and indicators are a precondition for the recognition of the existence of certain groups within a country. Moreover, the Special Rapporteur stressed that such data and indicators also allow States to assess and monitor the effectiveness of the measures taken.

53. Nonetheless, the Special Rapporteur stated that he was aware of the reluctance by many States to collect ethnically disaggregated data. In that regard, he highlighted concerns of States relating to the fact that the collection of such data may aggravate tensions between individuals and groups of individuals by exacerbating differences; lead to further prejudice and stereotypes concerning certain groups of individuals; or be misused for racist and exclusionary policies. In addition, collection of this type of data may conflict with individuals' human rights and fundamental freedoms, in particular the right to privacy and the protection of personal data.

54. While acknowledging the above-mentioned potential risks and dangers that the collection of ethnically disaggregated data may entail, the Special Rapporteur takes the view that those problems may be overcome if States abide by some key principles, including self-identification, the right to privacy and protection of personal data, and the involvement of relevant stakeholders.

55. In line with general recommendation VIII of the Committee on the Elimination of Racial Discrimination, self-identification should constitute a pillar of the collection of ethnically disaggregated data. It is related to respect for the rights of individuals to assert their own identity. While implementing this principle may lead

<sup>10</sup> Available from [http://www2.ohchr.org/english/issues/racism/rapporteur/docs/Contribution\\_ethnically\\_disaggregated\\_data\\_BrazilMay2010.pdf](http://www2.ohchr.org/english/issues/racism/rapporteur/docs/Contribution_ethnically_disaggregated_data_BrazilMay2010.pdf).

to underreporting and inaccurate data, it is based on the important notion that the State should not impose an identity on the individual. Concerning privacy, the Special Rapporteur stressed that ethnically disaggregated data should always be collected with the explicit consent of the concerned individuals and take into account data protection regulations and privacy guarantees. On the principle of involvement, the Special Rapporteur emphasized the need to consult all concerned groups in all stages of the exercise, including design and implementation. Such involvement would help to build confidence between the authorities and the concerned groups and would also lead to better survey design. Moreover, involvement should also be understood as providing the right to members of vulnerable groups to be informed about the results of data collection and about the effectiveness of the anti-discrimination legislation, policies and programmes in place.

56. The Special Rapporteur made a number of recommendations related to the collection of ethnically disaggregated data. Among others, he recommended that States collect these data and indicators to design legislation, policies, programmes and other measures aiming at promoting equality and eliminating racial discrimination and that States use such data to assess and monitor the effectiveness of the measures taken and to review them in case of disproportionate effect on certain ethnic groups. In doing so, the Special Rapporteur called upon States to respect the principles of privacy, self-identification and involvement of all communities. He also recommended that ethnically disaggregated data be used in legal proceedings as evidence for proving discrimination and that adequate human and financial resources be provided by States to establish or strengthen national institutions which collect, analyse, and disseminate reliable ethnically disaggregated data and indicators.

## **E. Racism and sports**

57. The issue of racism and sports was addressed by the Special Rapporteur at an event commemorating the International Day on the Elimination of Racial Discrimination, which was organized by the Office of the United Nations High Commissioner for Human Rights on 19 March 2010, in Geneva, Switzerland.<sup>11</sup>

58. On that occasion, the Special Rapporteur recalled that fighting racism requires more than the enactment of anti-discrimination laws; overcoming racism also requires addressing public and private attitudes which comfort, justify and perpetuate racism at all levels and in all areas of life. To that effect, he stressed that approaches which have the ability to get the message across in a simple and powerful manner are more than ever necessary to encourage as many people as possible to engage in this fight. In the context of the year 2010, which has been marked by mass sports events followed by a large public audience, the Special Rapporteur stated that promoting the message of tolerance and non-discrimination through sport may constitute one of the approaches needed.

59. As recognized by the General Assembly, sport has the potential to contribute to an atmosphere of tolerance and understanding. While relying on the concepts of

<sup>11</sup> Available from <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=9928&LangID=E>.

competition and rivalry, sport also stands for human values such as respect, justice, universality, cooperation and solidarity. By bringing together individuals from a great variety of horizons, sport is an inspirational means to promote peace, social cohesion, integration, inclusivity, as well as diversity.

60. Referring to Human Rights Council resolution 13/27 on a world of sports free from racism, racial discrimination, xenophobia and related intolerance, the Special Rapporteur underlined the potential of sport as a means to combat racism and discrimination. Similarly to schools, which are one of the most efficient tools to create a cohesive and tolerant society, he stated that sport was also an effective means for both youth and adults to learn and experience for themselves how individuals from diverse ethnic, national or religious backgrounds can interact in a harmonious manner.

61. On a wider scale, the Special Rapporteur recalled that mass sports events offer valuable outreach platforms to mobilize people and convey crucial messages about equality and non-discrimination. In that regard, he referred to the charters or statutes of the International Olympic Committee, the Fédération internationale de football association and the Commonwealth Games Federation, which all include the principle of non-discrimination.

62. Nonetheless, the Special Rapporteur emphasized that sport cannot constitute a cure-all for racism and discrimination. As a reflection of the society from which it originates, sport also has its shortcomings and contradictions. In that regard, he referred to the negative side effects of sport, such as violence, discrimination and aggressive nationalism, and pointed out specific examples of racism and racial discrimination that had occurred within the world of sports.

63. The Special Rapporteur stated that the fight against racism was as relevant at the present time as it had ever been in the past, and highlighted that it was necessary to ensure that every single tool was used to fight this scourge, including mass sport events, and to demonstrate and convince everyone that integration, tolerance, mutual respect and diversity were real assets that may lead a team to victory.

### **III. Country visits by the Special Rapporteur**

64. Country visits constitute an important opportunity for the Special Rapporteur to gather, request, receive and exchange information and communications with all relevant sources, on all issues and alleged violations falling within the purview of his mandate, and to investigate and make concrete recommendations, to be implemented at the national, regional and international levels, with a view to preventing and eliminating all forms and manifestations of racism, racial discrimination, xenophobia and related intolerance, in accordance with the mandate entrusted to him by the Human Rights Council in resolution 7/34.

65. Following his appointment in August 2008, the Special Rapporteur sent formal requests to visit Bangladesh, the Plurinational State of Bolivia, Bosnia and Herzegovina, Germany, India, Israel, Malaysia, Mexico, Nepal, Serbia, Singapore, South Africa, the Sudan and the United Arab Emirates. Since his appointment, the Special Rapporteur has been able to undertake country visits to Germany, the United Arab Emirates and Singapore. He would like to acknowledge the letters of invitation extended to him by Belarus, Bosnia and Herzegovina and Croatia. While he has not

yet been able to honour those invitations, the Special Rapporteur hopes that he will be able to do so in the near future.

66. In the following paragraphs, the Special Rapporteur would like to inform the General Assembly of the visits carried out to the United Arab Emirates and Singapore, as well as his forthcoming visit to the Plurinational State of Bolivia.

#### **A. Mission to the United Arab Emirates**

67. The Special Rapporteur visited the United Arab Emirates from 4 to 8 October 2009 at the invitation of the Government. He would like to express his sincere gratitude to the Government for its cooperation and openness throughout the visit. The report on the visit was submitted to the Human Rights Council at its fourteenth session (A/HRC/14/43/Add.3).

68. At the end of his visit, the Special Rapporteur concluded that the United Arab Emirates is a unique country where non-nationals represent the vast majority of the population and where nationals are a minority in their own country. In recent decades, the influx of foreign workers, which has significantly contributed to the building of the country, has also created tremendous challenges for the people of the United Arab Emirates, in terms of national identity, social integration and capacity for absorption.

69. While the Government has taken commendable initiatives in recent years to address some of the numerous challenges, the Special Rapporteur recalled that much remains to be done in terms of legislation, policies and their effective implementation, as well as in terms of human rights education.

70. In his report, the Special Rapporteur raised issues relating to the definition of national identity for the United Arab Emirates and the granting of citizenship; the living and working conditions of construction and domestic workers; the vulnerable situation of stateless persons; human trafficking; educational policy; and the legal and institutional human rights framework to fight racism. For each set of issues, he made specific recommendations.

71. For instance, the Special Rapporteur recommended the holding of a public debate on the question of the definition of national identity. He also recommended that valid citizenship applications by individuals who have lawfully lived in the country for a certain period of time be reviewed and processed by the authorities in a non-discriminatory manner. In the context of the global economic crisis, the Special Rapporteur also urged the Government to take necessary steps, including legislative ones, to address issues relating to, *inter alia*, the severe risk of exploitation of unskilled foreign workers under the sponsorship system; the confiscation of their passports; the prohibition to constitute trade unions; and their contracted debts with labour recruitment agencies. In regard to the situation of stateless individuals, the Special Rapporteur recommended that priority be given to finding a definitive and equitable solution to ensure that they have adequate access to health, education, social services and employment, and that they receive non-discriminatory treatment with regard to administrative procedures and the administration of justice. The question of education was also raised, and the Special Rapporteur recommended that the Government reconsider its present educational

policy, so as to ensure that public education institutions are de facto open to all children, including non-nationals.

## **B. Mission to Singapore**

72. The Special Rapporteur visited Singapore from 21 to 28 April 2010. He would like to express his sincere gratitude to the Government of Singapore for its full cooperation and openness in the preparation and conduct of his visit. A detailed report containing the observations and conclusions of the Special Rapporteur on the visit will be submitted to the Human Rights Council at its seventeenth session, in 2011.

73. At the press conference held in Singapore on 28 April 2010,<sup>12</sup> the Special Rapporteur emphasized that Singapore was rightly proud of its richly diverse society where individuals from a wide range of backgrounds manage to cohabit and interact with each other on a small portion of territory.

74. Owing to the historical legacy of ethnic and religious tensions, the Government is acutely aware of the threats posed by racism, racial discrimination, xenophobia and related intolerance. In that regard, the authorities have endeavoured to put in place laws, policies and institutions that seek to combat those scourges and to continuously promote social cohesion, religious tolerance and what they refer to as racial harmony.

75. While most of those measures are widely appreciated by all sectors of the society, the Special Rapporteur noted that the legitimate goal of searching for racial harmony may have created blind spots in the measures pursued by the Government. In that regard, the Special Rapporteur raised issues relating to restrictions on freedom of expression and assembly, the significance of ethnic identity within Singaporean society and the situation in the areas of housing, education, employment, as well as human rights issues concerning migrant workers. For each set of issues, he highlighted a number of recommendations.

76. For instance, the Special Rapporteur recommended that the Government remove legislative provisions which unduly restrict the rights to freedom of expression and assembly and prevent Singaporeans from holding open and fruitful public debate on matters of ethnicity. He also recommended that the authorities remove the indication of one's ethnic background from identification documents, so as not to perpetuate the ethnic categorization of Singaporeans. In the area of education, the Special Rapporteur recommended that the Government consider making small adjustments to the public education system, for instance, with special temporary programmes, to allow Malay students to catch up with their Chinese counterparts. In respect of employment, the Special Rapporteur recommended that the Government urgently review all laws, regulations, guidelines, policies and practices which may prevent employment of members of ethnic minority groups in institutions that ought to reflect the diversity of Singapore. The Special Rapporteur also recommended that the Government act swiftly to ensure the protection of the human rights of migrant workers, as this is one area where the situation is quite dire. Finally, he urged the Government to accede to international human rights

<sup>12</sup> Available from <http://www2.ohchr.org/english/issues/racism/rapporteur/docs/StatementVisitSingapore.pdf>.

instruments that contain provisions reaffirming the fundamental human rights principles of non-discrimination and equality.

### **C. Forthcoming mission to the Plurinational State of Bolivia**

77. The Special Rapporteur would like to thank the Government of the Plurinational State of Bolivia, which has agreed to invite the Special Rapporteur for a country visit before the end of 2010. The Special Rapporteur is very much looking forward to engaging in a constructive dialogue with the authorities on all matters related to racism, racial discrimination, xenophobia and related intolerance.

## **IV. Conclusions and recommendations**

78. As stated by the Special Rapporteur on the occasion of the International Day for the Elimination of Racial Discrimination, 2010, "racism is alive and still plagues every society". Be it the member of an ethnic minority who is attacked or killed in the context of a conflict due to his or her minority status; the individual who is regularly and in a discriminatory manner subjected to stopping and searching, interrogations or arrests, solely because of his or her perceived religious or ethnic background; the migrant, the refugee or the asylum-seeker who faces daily discrimination due to his or her status as non-citizen; or the football player who is insulted because of his skin colour; all such instances unfortunately demonstrate that racism and xenophobia are not yesterday's problems, but that they remain an immense challenge for today.

79. Individuals and groups of individuals continue to have their lives affected by racism, racial discrimination, xenophobia and related intolerance. States therefore need to continue the struggle for equality and dignity for all people, everywhere. In that regard, and pursuant to the thematic issues addressed in the present report, the Special Rapporteur would like to make some general recommendations, as well as more specific ones relating to each of the themes addressed.

80. At the international level, the Special Rapporteur urges those States which have not yet done so to ratify the International Convention on the Elimination of Racial Discrimination, in order to demonstrate their commitment in the fight against racism, racial discrimination, xenophobia and related intolerance. Similarly, he calls upon States to take all necessary and appropriate measures to implement the Durban Declaration and Programme of Action, as well as the outcome document of the Durban Review Conference, which constitute the most comprehensive international framework in the fight against racism.

81. At the national level, the Special Rapporteur recommends that States adopt specific legislation on racism, racial discrimination, xenophobia and related intolerance. Such legislation clearly demonstrates States' political commitment in the fight against racism and allows for enhanced visibility and accessibility of the law, thereby enabling individuals to resort to the relevant provisions in an easier and more effective manner.

82. While legislative measures are necessary in order to prohibit and sanction acts of racial discrimination and xenophobia, the Special Rapporteur takes the

view that legislative measures on their own are usually insufficient to prevent and combat the aforementioned phenomena effectively. He therefore recommends that States engage in broad efforts to combat negative stereotypes of, and discrimination against, individuals and groups, and to promote diversity. In that regard, he emphasizes the crucial role of education and a variety of awareness-raising measures which contribute to creating tolerant societies, where mutual understanding may be ensured.

### **Racism and conflict**

83. As a result of the marginalization, discrimination and sometimes dehumanization they foster within societies, racism, racial discrimination, xenophobia and related intolerance are often among the root causes of conflicts. These scourges may trigger a conflict, exacerbate violence perpetrated against members of certain groups in a situation of conflict or may also reignite a conflict if not adequately addressed within the framework of a peace process.

84. To prevent the eruption of a conflict, it is of utmost importance to identify early warning signs to help recognize and acknowledge situations which might lead to conflict. In that regard, the Special Rapporteur recommends that all relevant stakeholders give due attention to and closely monitor the way in which the concept of national identity is debated within a given country, so that this concept may not be used as a tool to create artificial differences among some groups of the population. Owing to the fact that discriminatory socio-economic practices may, in the long term, contribute to the triggering of conflict, the Special Rapporteur recommends that States take all necessary measures to prevent, prohibit, sanction and offer compensation for socio-economic discriminatory practices targeting certain groups of individuals. He also recommends that measures be taken to address structural conditions, such as unmet human development needs, the socio-economic deprivation of some groups relative to others and the absence or weakness of the rule of law and democratic structures, which may foster the effectiveness of political manipulation of racist or nationalist ideology.

85. Other issues may also contribute to the triggering of conflict, and in that regard, the Special Rapporteur refers to the list of key indicators developed by the Committee on the Elimination of Racial Discrimination (see CERD/C/67/1) and to the analysis framework of the Special Adviser of the Secretary-General on the Prevention of Genocide,<sup>13</sup> which help to assess the existence of factors known to be important components of situations leading to conflict and genocide.

86. With regard to hate speech, which may become an effective tool to incite people to commit acts of violence in the context of a given conflict, the Special Rapporteur recommends that States fully comply with their international obligations, in particular with article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination and article 20 of the

<sup>13</sup> Available from <http://www.un.org/preventgenocide/adviser/pdf/OSAPG%20AnalysisFrameworkExternalVersion.pdf>.

International Covenant on Civil and Political Rights, and recalls that such obligations remain applicable in times of conflict.

87. To avoid the reigniting of a conflict, the Special Rapporteur recommends that human rights, including issues related to racism, racial discrimination, xenophobia and related intolerance, be systematically and fully integrated in all peace processes. In addition, he recommends that the impact on human rights of all measures taken in the framework of peace processes be thoroughly assessed. He also strongly encourages the participation of all stakeholders in peace processes to consolidate the often fragile peace existing in a post-conflict situation.

88. Since racism, racial discrimination, xenophobia and related intolerance may lead to genocide, war crimes, ethnic cleansing and crimes against humanity, the Special Rapporteur recalls that each individual State has the responsibility to protect its population from such occurrences. He also stresses that the responsibility to protect is an obligation of the international community, which has the duty to provide assistance to the State when requested or in cases where the State fails or refuses to protect its population.

### **Incitement to racial or religious hatred**

89. The Special Rapporteur expresses concerns in regard to reports received on worldwide incidents related to issues raised in Human Rights Council resolution 13/16. Such reports appear to fall under five broad and non-exhaustive categories warranting different approaches under international human rights law, which provides sufficient tools to respond to all of them. The categories include acts of violence or discrimination, or incitement thereto, against individuals on the basis of their religion or belief; attacks on religious sites; religious and ethnic profiling; religious symbols; and negative stereotyping of religions, their followers and sacred persons.

90. Pursuant to Human Rights Council resolution 13/16 which requested that particular attention be given to the phenomenon of Islamophobia, the Special Rapporteur expresses serious concerns with regard to reported acts of violence or acts of discrimination targeting Muslim individuals. He takes the view that this phenomenon remains a serious issue in a variety of countries and that it needs to be addressed with greater resolve by States to prevent further discrimination and violence, and incitement thereto, and intolerance against Muslim individuals. Nonetheless, he emphasizes that all victims must receive the same attention and protection. It is therefore essential to avoid establishing any hierarchy among the different manifestations of discrimination, even if they may vary in nature and degree depending on the historical, geographical and cultural context. All forms of racism and discrimination must be addressed with the same emphasis and the same determination.

91. The Special Rapporteur strongly condemns all acts of violence or discrimination, or incitement thereto, against persons based on their religion or belief, as well as attacks on religious sites. He therefore calls upon States to take all necessary measures to implement relevant international human rights standards, which protect believers and places of worship.

92. While acknowledging that it is necessary for States to take measures to combat terrorism and that profiling is, in principle, a permissible means of law enforcement activity, the Special Rapporteur nonetheless calls upon States not to resort to profiling founded on grounds of discrimination prohibited by international law, including on racial, ethnic or religious grounds.

93. The question of bans or restriction on religious symbols is a delicate one. As such, the Special Rapporteur takes the view that it is up to an independent and impartial judiciary to assess, on a case-by-case basis, the legality of those bans or restrictions and their impact on the human rights of all stakeholders.

94. With regard to the negative stereotyping of religious followers or sacred persons, the Special Rapporteur recalls that the right to freedom of expression may be restricted in order to protect, inter alia, the rights or reputations of others. However, the Special Rapporteur believes that a very high threshold should be met and that defamatory expressions targeting individuals must have been proven false before they warrant restrictions and sanctions thereon. With regard to negative stereotyping of religions, the Special Rapporteur recalls that vigorously interrogating and criticizing religious doctrines and their teachings is thoroughly legitimate and constitutes a significant part of the exercise of the right to freedom of opinion or expression. In that regard, he recommends that States refrain from adopting domestic blasphemy laws aiming to protect religions per se, which can prove counterproductive. He also recommends that States move away from the notion of defamation of religions towards the legal concept of advocacy of racial or religious hatred, in order to anchor the debate in the relevant existing international legal framework.

### **Human rights challenges faced by migrants, refugees and asylum-seekers**

95. The Special Rapporteur expresses concern in respect of the deeply marked tendencies within numerous societies to characterize migration as a problem and threat to social cohesion. In that regard, he notes the numerous human rights challenges, including racism and xenophobia, faced by migrants, refugees and asylum-seekers in the enjoyment of their civil, cultural, economic, political and social rights.

96. The Special Rapporteur strongly reaffirms that migrants, refugees and asylum-seekers, like any other human beings and regardless of their migration status, are entitled to have all their human rights protected by the State where they live without discrimination.

97. While recognizing the sovereign right of each State to formulate and apply its own legal framework and policies in the area of migration, the Special Rapporteur urges States to ensure that those policies are at all times consistent with applicable international human rights instruments, norms and standards, and that they are free from racism and xenophobia.

98. The Special Rapporteur recommends that States provide relevant training and information to migrants, refugees and asylum-seekers, so that they may be made aware of their rights and of the existing mechanisms which will guarantee their protection.

99. The Special Rapporteur also recommends that human rights training be provided to law enforcement officials, especially immigration officials and border police, so that they may act in conformity with international human rights law when dealing with migrants, refugees and asylum-seekers.

### **Collection of ethnically disaggregated data**

100. The collection of ethnically disaggregated data is an essential tool to identify the persons and groups affected by racial discrimination and to better understand the nature and extent of the inequalities they face. The Special Rapporteur therefore recommends that States collect ethnically disaggregated data in order to design appropriate anti-discrimination legislation and policies and monitor their effectiveness.

101. In doing so, the Special Rapporteur recommends that States abide by some key principles, including self-identification of individuals; the right to privacy guaranteeing the consent of the concerned individuals; and the involvement of all concerned groups of individuals in the design and implementation of the exercise.

102. In the context of legal proceedings relating to the commitment of discriminatory acts, the Special Rapporteur recommends that ethnically disaggregated data be used as evidence for proving the existence of racial discrimination.

103. The Special Rapporteur also recommends that adequate human and financial resources be provided to establish or strengthen national institutions, which collect, analyse and disseminate reliable ethnically disaggregated data.

### **Racism and sports**

104. Underlining the potential of sport as a means to combat racism and discrimination, the Special Rapporteur recalls the recommendation of his predecessor (see A/HRC/4/19, para. 64) that States exercise particular vigilance with regard to the upsurge in racism in sport, particularly football.

105. He also recommends that States take advantage of mass sports events as valuable outreach platforms to mobilize people and convey crucial messages about equality and non-discrimination. Awareness-raising campaigns spreading the message of tolerance and understanding between communities may indeed be very effective in the context of sports events.